

AGENDA

Meeting **Police and Crime Committee**

Date **Thursday 9 March 2017**

Time **10.00 am**

Place **Chamber, City Hall, The Queen's
Walk, London, SE1 2AA**

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Members of the Committee

Steve O'Connell AM (Chairman)
Unmesh Desai AM (Deputy Chair)
Kemi Badenoch AM
Sian Berry AM
Andrew Dismore AM

Len Duvall AM
Florence Eshalomi AM
Caroline Pidgeon MBE AM
Keith Prince AM
Peter Whittle AM

A meeting of the Committee has been called by the Chairman of the Committee to deal with the business listed below.

Mark Roberts, Executive Director of Secretariat
Wednesday 1 March 2017

Further Information

If you have questions, would like further information about the meeting or require special facilities please contact: Joanna Brown or Teresa Young; Telephone: 020 7983 6559; Email: joanna.brown@london.gov.uk/teresa.young@london.gov.uk; Minicom: 020 7983 4458

For media enquiries please contact Mary Dolan, External Relations Officer on 020 7983 4603. Email: mary.dolan@london.gov.uk. If you have any questions about individual items please contact the author whose details are at the end of the report.

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Certificate Number: FS 80233

Agenda
Police and Crime Committee
Thursday 9 March 2017

1 Apologies for Absence and Chairman's Announcements

To receive any apologies for absence and any announcements from the Chairman.

2 Declarations of Interests (Pages 1 - 4)

Report of the Executive Director of Secretariat

Contact: Joanna Brown, joanna.brown@london.gov.uk and Teresa Young, teresa.young@london.gov.uk; 020 7983 6559

The Committee is recommended to:

- (a) Note the list of offices held by Assembly Members, as set out in the table at Agenda Item 2, as disclosable pecuniary interests;**
- (b) Note the declaration by any Member(s) of any disclosable pecuniary interests in specific items listed on the agenda and the necessary action taken by the Member(s) regarding withdrawal following such declaration(s); and**
- (c) Note the declaration by any Member(s) of any other interests deemed to be relevant (including any interests arising from gifts and hospitality received which are not at the time of the meeting reflected on the Authority's register of gifts and hospitality, and noting also the advice from the GLA's Monitoring Officer set out at Agenda Item 2) and to note any necessary action taken by the Member(s) following such declaration(s).**

3 Minutes (Pages 5 - 86)

The Committee is recommended to confirm the minutes of the meeting of the Police and Crime Committee held on 9 February 2017 to be signed by the Chairman as a correct record.

The appendix to the minutes set out on pages 11 to 86 is attached for Members and officers only but is available from the following area of the GLA's website: www.london.gov.uk/mayor-assembly/london-assembly/police-and-crime-committee

4 Summary List of Actions (Pages 87 - 94)

Report of the Executive Director of Secretariat

Contact: Joanna Brown, Joanna.brown@london.gov.uk and Teresa Young, teresa.young@london.gov.uk; 020 7983 6559

The Committee is recommended to note the completed and ongoing actions arising from previous meetings of the Committee, as listed in the report.

5 Action Taken Under Delegated Authority (Pages 95 - 96)

Report of the Executive Director of Secretariat

Contact: Joanna Brown, Joanna.brown@london.gov.uk and Teresa Young, teresa.young@london.gov.uk; 020 7983 6559

The Committee is recommended to note the recent action taken by the Chairman, Steve O'Connell AM, under delegated authority, following consultation with the party Group Lead Members and Caroline Pidgeon MBE AM, namely to agree the scoping for this thematic meeting on probation services in London.

6 Probation Services in London (Pages 97 - 98)

Report of the Executive Director of Secretariat

Contact: Janette Roker, Janette.roker@london.gov.uk; 020 7983 6562

The Committee is recommended to note the report as background to putting questions to invited guests on probation services in London, and note the subsequent discussion.

7 Police and Crime Committee Work Programme (Pages 99 - 102)

Report of the Executive Director of Secretariat

Contact: Becky Short, becky.short@london.gov.uk; 020 7983 4760

The Committee is recommended to:

- (a) Note the work programme as set out in the report;**
- (b) Delegate authority to its Chairman, Steve O'Connell AM, in consultation with the party Group Lead Members and Caroline Pidgeon MBE AM, to agree any output from the Committee's scrutiny review on tackling allegations of election fraud and malpractice.**
- (c) Delegate authority to its Chairman, Steve O'Connell AM, in consultation with the party Group Lead Members and Caroline Pidgeon MBE AM, to agree arrangements for a site visit to the Queen Elizabeth Olympic Park to observe policing in and around the Park.**

8 Date of Next Meeting

The next meeting of the Committee is scheduled for Wednesday, 29 March 2017 at 10am in the Chamber, City Hall.

9 Any Other Business the Chairman Considers Urgent

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Subject: Declarations of Interests

Report to: Police and Crime Committee

Report of: Executive Director of Secretariat

Date: 9 March 2017

This report will be considered in public

1. Summary

- 1.1 This report sets out details of offices held by Assembly Members for noting as disclosable pecuniary interests and requires additional relevant declarations relating to disclosable pecuniary interests, and gifts and hospitality to be made.

2. Recommendations

- 2.1 **That the list of offices held by Assembly Members, as set out in the table below, be noted as disclosable pecuniary interests¹;**
- 2.2 **That the declaration by any Member(s) of any disclosable pecuniary interests in specific items listed on the agenda and the necessary action taken by the Member(s) regarding withdrawal following such declaration(s) be noted; and**
- 2.3 **That the declaration by any Member(s) of any other interests deemed to be relevant (including any interests arising from gifts and hospitality received which are not at the time of the meeting reflected on the Authority's register of gifts and hospitality, and noting also the advice from the GLA's Monitoring Officer set out at below) and any necessary action taken by the Member(s) following such declaration(s) be noted.**

3. Issues for Consideration

- 3.1 Relevant offices held by Assembly Members are listed in the table overleaf:

¹ The Monitoring Officer advises that: Paragraph 10 of the Code of Conduct will only preclude a Member from participating in any matter to be considered or being considered at, for example, a meeting of the Assembly, where the Member has a direct Disclosable Pecuniary Interest in that particular matter. The effect of this is that the 'matter to be considered, or being considered' must be about the Member's interest. So, by way of example, if an Assembly Member is also a councillor of London Borough X, that Assembly Member will be precluded from participating in an Assembly meeting where the Assembly is to consider a matter about the Member's role / employment as a councillor of London Borough X; the Member will not be precluded from participating in a meeting where the Assembly is to consider a matter about an activity or decision of London Borough X.

Member	Interest
Tony Arbour AM	Member, LFEPA; Member, LB Richmond
Jennette Arnold OBE AM	Committee of the Regions
Gareth Bacon AM	Member, LFEPA; Member, LB Bexley
Kemi Badenoch AM	
Shaun Bailey AM	
Sian Berry AM	Member, LB Camden
Andrew Boff AM	Congress of Local and Regional Authorities (Council of Europe)
Leonie Cooper AM	Member, LFEPA; Member, LB Wandsworth
Tom Copley AM	
Unmesh Desai AM	Member, LB Newham
Tony Devenish AM	Member, City of Westminster
Andrew Dismore AM	Member, LFEPA
Len Duvall AM	
Florence Eshalomi AM	Member, LFEPA; Member, LB Lambeth
Nicky Gavron AM	
David Kurten AM	Member, LFEPA
Joanne McCartney AM	Deputy Mayor
Steve O'Connell AM	Member, LB Croydon
Caroline Pidgeon MBE AM	
Keith Prince AM	Member, LB Redbridge
Caroline Russell AM	Member, LFEPA; Member, LB Islington
Dr Onkar Sahota AM	
Navin Shah AM	
Fiona Twycross AM	Chair, LFEPA; Chair of the London Local Resilience Forum
Peter Whittle AM	

[Note: LB - London Borough; LFEPA - London Fire and Emergency Planning Authority. The appointments to LFEPA reflected above take effect as from 17 June 2016.]

3.2 Paragraph 10 of the GLA's Code of Conduct, which reflects the relevant provisions of the Localism Act 2011, provides that:

- where an Assembly Member has a Disclosable Pecuniary Interest in any matter to be considered or being considered or at
 - (i) a meeting of the Assembly and any of its committees or sub-committees; or
 - (ii) any formal meeting held by the Mayor in connection with the exercise of the Authority's functions
- they must disclose that interest to the meeting (or, if it is a sensitive interest, disclose the fact that they have a sensitive interest to the meeting); and
- must not (i) participate, or participate any further, in any discussion of the matter at the meeting; or (ii) participate in any vote, or further vote, taken on the matter at the meeting

UNLESS

- they have obtained a dispensation from the GLA's Monitoring Officer (in accordance with section 2 of the Procedure for registration and declarations of interests, gifts and hospitality – Appendix 5 to the Code).

3.3 Failure to comply with the above requirements, without reasonable excuse, is a criminal offence; as is knowingly or recklessly providing information about your interests that is false or misleading.

- 3.4 In addition, the Monitoring Officer has advised Assembly Members to continue to apply the test that was previously applied to help determine whether a pecuniary / prejudicial interest was arising - namely, that Members rely on a reasonable estimation of whether a member of the public, with knowledge of the relevant facts, could, with justification, regard the matter as so significant that it would be likely to prejudice the Member's judgement of the public interest.
- 3.5 Members should then exercise their judgement as to whether or not, in view of their interests and the interests of others close to them, they should participate in any given discussions and/or decisions business of within and by the GLA. It remains the responsibility of individual Members to make further declarations about their actual or apparent interests at formal meetings noting also that a Member's failure to disclose relevant interest(s) has become a potential criminal offence.
- 3.6 Members are also required, where considering a matter which relates to or is likely to affect a person from whom they have received a gift or hospitality with an estimated value of at least £25 within the previous three years or from the date of election to the London Assembly, whichever is the later, to disclose the existence and nature of that interest at any meeting of the Authority which they attend at which that business is considered.
- 3.7 The obligation to declare any gift or hospitality at a meeting is discharged, subject to the proviso set out below, by registering gifts and hospitality received on the Authority's on-line database. The on-line database may be viewed here:
<http://www.london.gov.uk/mayor-assembly/gifts-and-hospitality>.
- 3.8 If any gift or hospitality received by a Member is not set out on the on-line database at the time of the meeting, and under consideration is a matter which relates to or is likely to affect a person from whom a Member has received a gift or hospitality with an estimated value of at least £25, Members are asked to disclose these at the meeting, either at the declarations of interest agenda item or when the interest becomes apparent.
- 3.9 It is for Members to decide, in light of the particular circumstances, whether their receipt of a gift or hospitality, could, on a reasonable estimation of a member of the public with knowledge of the relevant facts, with justification, be regarded as so significant that it would be likely to prejudice the Member's judgement of the public interest. Where receipt of a gift or hospitality could be so regarded, the Member must exercise their judgement as to whether or not, they should participate in any given discussions and/or decisions business of within and by the GLA.

4. Legal Implications

- 4.1 The legal implications are as set out in the body of this report.

5. Financial Implications

- 5.1 There are no financial implications arising directly from this report.

Local Government (Access to Information) Act 1985	
List of Background Papers: None	
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MINUTES

Meeting: Police and Crime Committee
Date: Thursday 9 February 2017
Time: 10.00 am
Place: Chamber, City Hall, The Queen's Walk, London, SE1 2AA

Copies of the minutes may be found at:

<http://www.london.gov.uk/mayor-assembly/london-assembly/police-and-crime-committee>

Present:

Steve O'Connell AM (Chairman)
Unmesh Desai AM (Deputy Chair)
Tony Arbour AM
Sian Berry AM
Andrew Dismore AM
Len Duvall AM
Florence Eshalomi AM
Caroline Pidgeon MBE AM
Keith Prince AM
Peter Whittle AM

1 Apologies for Absence and Chairman's Announcements (Item 1)

- 1.1 Apologies for absence were received from Kemi Badenoch AM, for whom Tony Arbour AM attended as a substitute.

2 Declarations of Interests (Item 2)

2.1 Resolved:

That the list of offices held by Assembly Members, as set out in the table at Agenda Item 2, be noted as disclosable pecuniary interests.

3 Minutes (Item 3)

3.1 Resolved:

That the minutes of the Police and Crime Committee meeting held on 12 January 2017 be signed by the Chairman as a correct record.

4 Summary List of Actions (Item 4)

4.1 The Committee received the report of the Executive Director of Secretariat.

4.2 Resolved:

That the completed and ongoing actions arising from the previous meetings of the Committee, as listed in the report, be noted.

5 Action Taken Under Delegated Authority (Item 5)

5.1 The Committee received the report of the Executive Director of Secretariat.

5.2 Resolved:

That the recent action taken by the Chairman, Steve O'Connell AM, under delegated authority, following consultation with the party Group Lead Members, namely to agree the scope for the Committee's scrutiny on the role of the Mayor's Office for Policing and Crime and the Metropolitan Police Service in tackling allegations of electoral fraud and malpractice, be noted.

6 Response to the Committee's Letter on Preventing Extremism (Item 6)

6.1 The Committee received the report of the Executive Director of Secretariat.

6.2 **Resolved:**

That the response from the Deputy Mayor for Policing and Crime to the Committee's letter on preventing extremism, be noted.

7 Tackling Allegations of Electoral Fraud and Malpractice (Item 7)

7.1 The Committee received the report of the Executive Director of Secretariat, as background to putting questions to invited guests on tackling allegations of electoral fraud and malpractice in London.

7.2 The Chairman welcomed the following guests to part one of the session, which focussed on the role of the Mayor's Office for Policing and Crime (MOPAC), the Metropolitan Police Service (MPS), the Electoral Commission and the Crown Prosecution Service (CPS) in tackling allegations of electoral fraud and malpractice:

- Detective Inspector Gail Granville, Special Enquiry Team, MPS;
- Commander Stuart Cundy, Special Enquiry Team, MPS;
- Nick Vamos, Head of Special Crime, CPS;
- Claire Bassett, Chief Executive, Electoral Commission; and
- Robin Merrett, Head of Operational Oversight Mayor's Office for Policing and Crime (MOPAC).

7.3 In advance of the meeting, Councillor Peter Golds CBE (an invited guest for the second part of the discussion) had provided the Committee with a letter, which was provided to the other guests and referred to during the discussion. The letter is attached at **Appendix 1**.

7.4 A transcript of the discussion is attached at **Appendix 2**.

7.5 During the course of the first discussion, the Head of Operational Oversight, MOPAC agreed to provide:

- Confirmation about whether the answers provided to MOPAC by the MPS (as attached to the agenda to this meeting) were interrogated following receipt.

7.6 During the course of the first discussion, the Chief Executive, Electoral Commission, agreed to provide:

- A breakdown of electoral fraud cases by type for London and the UK over the last

**Greater London Authority
Police and Crime Committee
Thursday 9 February 2017**

three years; and

- The materials used for training Police Officers at the annual single point of contact seminar and the biennial roundtable.

7.7 Following a suggestion, the Chief Executive, Electoral Commission, also agreed when the Electoral Commission's guidance is reviewed to look into the issue of Police Officers wearing body-worn cameras when they are on duty outside a polling station.

7.8 During the course of the first discussion, Commander Cundy, Special Enquiry Team, MPS agreed to provide the email trail between the MPS and MOPAC regarding the information set out in Appendix A of the letter from the Deputy Mayor for Policing and Crime, which had been appended to the Committee's report.

7.9 During the course of the discussion, DI Granville, Special Enquiry Team, MPS, agreed to provide the training presentation provided to Borough Commanders on election issues.

7.10 Part two of the session focussed on how MOPAC and the MPS addressed allegations of electoral fraud and malpractice during the 2014 Mayoral election in Tower Hamlets, and the following guests joined the panel:

- Sir Ken Knight CBE QFSM, Tower Hamlets Commissioner;
- Mayor John Biggs, Tower Hamlets Executive Mayor;
- Councillor Peter Golds CBE, Tower Hamlets; and
- Francis Hoar, Barrister, Field Court Chambers.

7.11 A transcript of the discussion is attached at **Appendix 3**.

7.12 During the course of the second discussion, Commander Cundy, Special Enquiry Team, MPS agreed to provide:

- Data on the number of witnesses whom the MPS had interviewed in 2014 in relation to the 2014 election in Tower Hamlets; and
- The number of statements that the MPS took in relation to the 2015 election in Tower Hamlets.

7.13 During the course of the discussion, Commander Cundy, Special Enquiry Team, MPS, also agreed to meet with Mr Golds and other potential witnesses.

7.14 During the course of the discussion, Nick Vamos, the Head of Special Crime, CPS, agreed to check what had happened to the 27 files relating to the allegations of election fraud and malpractice in Tower Hamlets, which had been passed to the Director of Public Prosecutions.

7.15 During the course of the second discussion, the Head of Operational Oversight, MOPAC, agreed to provide confirmation of whether meetings between the former Deputy Mayor for

**Greater London Authority
Police and Crime Committee
Thursday 9 February 2017**

Policing and Crime and Commissioner of Police of the Metropolis concerning the allegations of election fraud and malpractice in Tower Hamlets had been minuted, and if so, the Committee requested that he provide those minutes.

7.16 At the end of the discussion, the Chairman thanked the guests for their attendance and very helpful contributions.

7.17 **Resolved:**

(a) That the report and discussion be noted; and

(b) That the Chairman writes to guests requesting the follow-up information as outlined in paragraphs 7.5 to 7.9 and 7.12 to 7.15 above.

8 Police and Crime Committee Work Programme (Item 8)

8.1 The Committee received the report of the Executive Director of Secretariat.

8.2 **Resolved:**

That the work programme as set out in the report be noted.

9 Date of Next Meeting (Item 9)

9.1 The date of the next meeting was scheduled for Thursday, 23 February 2017 at 10am in the Chamber, City Hall.

10 Any Other Business the Chairman Considers Urgent (Item 10)

10.1 There was no other business the Chairman considered urgent.

11 Close of Meeting

11.1 The meeting ended at 1.35pm.

Chairman

Date

Contact Officer: Joanna Brown or Teresa Young; Telephone: 020 7983 6559; Email: joanna.brown@london.gov.uk/teresa.young@london.gov.uk; Minicom: 020 7983 4458

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February 8 2017



Re: Meeting of the Police and Crime Committee

I am enclosing written testimony with respect to my appearance before the above meeting of the Police and Crime Committee consideration of the "Role of MOPAC and the MET in tackling allegations of electoral fraud and malpractice."

I have over a period of more than a decade amassed considerable material on electoral malpractice in Tower Hamlets. Much of this has been widely reported but the MPS response has usually been barely adequate. My full correspondence files and indeed evidence are available to your members.

The MPS once noted some of my concerns. In a January 2014 letter to me, Commander Graham McNulty, who was at the time overseeing the tower Hamlets elections, wrote:

- "That is not to say that I do not acknowledge that there have been issues in the past, both in terms of electoral fraud and **less than ideal communication from the police.**"

Within weeks of this letter, the MPS were complicit in an election that was chaotic, corrupt and bought shame onto the Borough and London. This election led to a High Court Petition which lasted for a record time and delivered a damning verdict on Lutfur Rahman and his administration.

I will commence with three examples relevant convictions for electoral fraud, the first two relating to election petitions.

Examples of recent convictions for electoral fraud

Slough

Following the 2007 local election in Slough an election court disqualified a corruptly elected Conservative councillor, Eshaq Khan.

On 2 May 2009, Eshaq Khan was jailed for five years on the grounds of Conspiracy to defraud the Returning Officer. Five of his supporters also received custodial sentences. In sentencing **Judge Gordon Risius** told them they had intentionally deceived the electorate;

- *"In any democratic country, a conspiracy to corrupt the electoral process is by its very nature a serious criminal offence," he said.*
- *"If it succeeds, as it did here, the wishes of a majority of the voting community are thwarted. He went on to say that although there are currently no sentencing guidelines for election fraud, he was required to pass sentences that would act as a deterrent. Citing a recent Court of Appeal case, he said:*
- *"For such offences, it was said that as long as they are proportionate and not unjust, deterrent sentences are called for."*

In examining both the petition and the court case, it is possible to draw almost identical examples of fraud with Tower Hamlets. The false registration of supporters, people registered at addresses other than their known homes were common and easily proven in Tower Hamlets. Much information on ghost voting was regularly passed to the MPS but seemingly ignored by the MPS, whilst in Slough similar information secured convictions.

In reading the Slough judgement, the evidence relating to 41 and 43 Richmond Crescent, Slough, is similar to that of 16 Prioress House E3. In the Tower Hamlets situation of Prioress House the Labour, and Conservative parties would have been able to provide **admissible** witness statements, as would at least two reputable journalists who had visited the property. The difference appears to be that Thames Valley Police fully investigated the fraud and took extensive statements from witnesses. The MPS did not.

It is also evident from the Slough evidence both at the petition hearing and the subsequent trial, that the excuse of inadmissible evidence is simply an excuse. The criminals in Slough conspired to defraud the Returning Officer and the electorate. They were found out, tried and convicted. Eshaq Khan and his collaborators went to prison whilst the Tower Hamlets fraudsters are able to proclaim that they did nothing wrong and produce letters from the police implying confirmation of this.

Woking

On 29th July 2013, Commissioner Mawrey disqualified Mohammed Bashir who had been elected a Liberal Democrat Councillor for the Maybury and Sheerwater ward of the Borough of Woking in the election of May 2012. The petition had been brought by supporters of the Labour Party, whose former councillor had been defeated in the election.

In 2015 five people, all from the same family, were found guilty of Conspiracy to Defraud the Returning Officer and duly sentenced in June 2015.

As in Slough, they were found guilty of false registration and other criminal activities. As in Slough, **admissible** statements had been collected from key witnesses and once again fraudsters received custodial sentences. It should be noted that in the face of overwhelming evidence they did admit to their guilt, which mitigated sentence

The Woking petition and court case as with that in Slough showed similarities to Tower Hamlets with respect to register packing and misuse of postal votes.

One can read either the transcript of the election petitions or of the trials and the evidence of non existent voters added to addresses where those convicted have connections is overwhelming. In the case of Tower Hamlets there were the additional offences of candidates in the election submitting nomination papers with false addresses and themselves casting false votes. They also committed offences relating to a corrupt return of election expenses and bribery.

It should be noted that those convicted in both Slough and Woking were charged with ***Conspiracy to Defraud the Returning Officer***, which is not time limited as opposed to charges under the Representation of the People's Act.

Derby

In September 2016 Richard Smalley, elected as a Conservative councillor for Derby in May 2016, was prosecuted and imprisoned for "Supplying False Information to the Electoral Registration Officer under s13D of the "Representation of the People Act." Richard Smalley had used a false qualifying address on his nomination paper. Once again, easily available admissible evidence, including Facebook, was assembled to secure his conviction.

In all of the above cases, Slough, Woking and Derby, evidence that could have been easily replicated in Tower Hamlets was secured in accordance with the Police and Criminal Evidence Act.

Why did the MPS not do the same?

Tower Hamlets

In Tower Hamlets, despite numerous people being ready and willing to provide admissible evidence in accordance with the Police and Criminal Evidence Act, the level of investigation was minimal and the result has been what the Tower Hamlets Commissioners rightly described as “Justice denied.”

Chris Skidmore MP, Minister of Constitutional Affairs in a speech last week to the Electoral Commission said “*many have rightly questioned why there were no criminal prosecutions following the Election Court judgement in 2015.*”

The Minister would have been unaware that a Detective Inspector described the judgement as a “report” in an MPS press release. When a serving police officer of that rank confuses a report and a judgement delivered in the Royal Courts of Justice, one can see how there has been “justice denied.”

Dealing with electoral fraud is obviously difficult and the MPS will obviously be concerned at being seen to enter the political arena. However, the Law must be the Law and whilst election laws lay on the statute book, then they must be observed.

In Tower Hamlets, election law appears to have taken second place to a “Local Protocol”, promoted by the Police and the Electoral Commission. This protocol was systematically broken by Tower Hamlets First, but provided a fig leaf for the MPS to “speak to people.” In your own report from Mopac we read that “12 individuals received words of advice.”

The Committee’s terms of reference

SC01

My experience is that far from a dedicated team of experienced officers, described in the report, many officers that I have met have been uncomprehending of election law and the political process. A lack of comprehension that was so ably demonstrated, before, on and after the 22nd May 2014.

These include:

A Detective Sergeant.

After extensive press coverage of concerns raised in the run up to the Spitalfields and Banglatown by election in April 2012 and the GLA election on the following May 3rd, the Minister for Local Government called for action.

I was contacted by a police officer on Monday April 30th, which was just hours before the polls opened in the GLA elections. This officer asked me for a meeting on Thursday 3 May; **election day.**

I explained that I would be otherwise engaged on an election day and we briefly discussed the situation concerning the pending election and the poll held in the Spitalfields and Banglatown ward by election on April 19th.

We eventually met in July, only after I contacted the officer. As I was going through the evidence I had assembled, he asked if "I had a problem with Bangladeshis". I said that I have a problem with voter fraud – regardless of who is responsible. He then questioned me as to whether I was legally entitled to the electoral information and documentation that I was showing him, indicating that his knowledge of the electoral process was, charitably, minimal.

I never saw him again, although I discovered, via FOI requests that he regularly met the Tower Hamlets council electoral services team.

In 2008 a Joseph Rowntree report stated the following:

"Numerous convictions for election fraud since 2000 have concerned postal and proxy ballot fraud in specific inner urban wards, where a large concentration of voters originate from the Indian subcontinent"

The former Labour MP Tony Wright, a specialist on constitutional matters encapsulates this situation by saying;

"This represents importing cultural practices from one place to another".

Following these two elections, the Electoral Commission initiated a report which was published in March 2013. Their conclusions were based on investigative work undertaken by the officer.

The report of the electoral commission, when published, provoked derision due to its many inaccuracies and errors, and did not even deserve the description of a "whitewash."

The report was considered at a meeting of Tower Hamlets council's overview and scrutiny committee. With press and public excluded members were permitted to see some of the police evidence gathering. This was extremely weak and showed that there was little understanding of the process, or I would venture, actual work. In some complaints the investigation appeared to rely on the local authority electoral services for information, whereby the police officer had asked electoral services "were people on the register?"

At no point is there any indication that the many journalists who investigated cases were interviewed and asked for their evidence and I appear to have been the only political activist, with evidence, spoken to and then only once. No attempt was made to secure a statement from me in accordance with the Police and Criminal Evidence Act.

The officer was provided with detailed evidence concerning postal vote "farming" in a block of flats. With regard to one particular address, where there

were six additional names on the register, to the surprise of the tenant, the report stated that “no votes were cast”. In fact the official postal vote return shows that six postal votes were cast from this address on April 19th, but none on May 3rd. Committee members were told, after the postal vote return was shown, that this was “a cut and paste error.”

Equally the situation regarding another block on the city fringe, where voters were added to the register shortly before the by election, postal votes applied for and the voters then removed shortly after the poll. This is potentially a classic case whereby an unscrupulous landlord or estate agent can register “ghost voters”. The record official shows that names were added for the April 19th by election, in flats already occupied, voted by post in the April 19th by election (but not in May) and then subsequently removed from the register.

The situation relating to these addresses is almost identical to that identified in Slough, except in Slough there was an investigation and those responsible for the corruption were convicted.

Tragedy turned to farce when it was revealed that a registered voter had travelled to Bangladesh, passed away with his death being registered in that country on April 19th, the by election polling day. Needless to say, democracy was served in Tower Hamlets and his vote safely cast. There exists a tape recording by a journalist of a conversation regarding this that the police declined to even listen to, let alone speak to the reporter who would have provided a statement..

The fact that nothing was done after this by election, gave a green light to Tower Hamlets First to drive a horse and cart through election law in 2014 – in full view of both the MPS and the electoral commission. No doubt knowing that both would do little to prevent them.

A Detective Constable

During the 2010 local elections, Moniruzzaman Syed contested the Spitalfields and Banglatown ward of Tower Hamlets as a Liberal Democrat candidate. On that occasion, he gave his home address as 100 Hamilton Avenue, Ilford IG6 1AB.

He subsequently joined the Labour Party and was [excluded from local membership](#) when he was unable to give proof of an actual address within the borough for purposes of membership – information that was reported in the East London Advertiser. In 2014, he was the Tower Hamlets First candidate for the Bromley North ward, giving as his address, 16 Prioress House, Bromley High Street, E3.

He stated on his consent to nomination that he was employed in a lettings agency based at 5 Pennyfields E14. It is understood that this agency manages 16 Prioress House for the actual owners.

It is well known that he actually lives with his family at 25 Ascot Close, Ilford.

The police were notified of all this by me. Eventually, after the election, Mr Syed received a letter from a Detective Constable confirming that there had been an investigation and no further action would be taken by the MPS.

Sadly, the officer had been unable to include an address on his letter, which was left blank. Extraordinarily this correspondence with the original, unaddressed letter was submitted as evidence to the election court by Lutfur Rahman.

A Detective Inspector

During the Mayoral by election a public meeting was advertised in the Calders Wharf Community Centre organised in support of Rabina Khan and featuring Lutfur Rahman as main speaker. A white, European resident attempted to attend and was told in no uncertain terms to leave. This was reported to the police.

A DI from the Special Enquiry Team responded:

"as this was not a political meeting there is no obligation for it to be declared in any election expense returns."

This is signed by a DI from the Special Enquiry team.

Had this officer consulted Rabina Khan's return of expenses he would have learned that this was indeed "an election meeting." A receipt along with confirmation of the booking was included and they both confirm that this was an election meeting.

Had it been a community meeting, guidance from the electoral commission shows that unless it is representative of all candidates contesting the election then it remains an election expense.

After all that had gone before, this is another example of a police officer who appears neither to understand the electoral process or election law, yet is, apparently a specialist detective. One might suggest that the officer simply wanted to close the case. We will never know as, true to form, the follow up letter which included full details including extracts from the return of election expenses was ignored.

An unidentified officer

An employee of Tower Hamlets Homes, the council's Arms Length Management Organisation (ALMO) for social housing was photographed circulating the Rabina Khan election address tucked into the ALMO newsletter on the Greenbank Estate, Wapping. This was featured in a local blog and covered in both the *The Standard* and *The Guardian*.

The distributor was easily identified and here is the predictable police response, which accepts that the law has been infringed, indeed using the words *"This particular offence."*

"From: SC01 – Homicide and Major Crime Command Special Enquiry Team

In reference to the allegation you made to Police on 16th May 2015, regarding the leafleting of political party material along with publications from Tower Hamlets Homes on the Greenbank Estate, E1.

*I am writing to advise you that this matter has now been investigated. Words of advice have been issued to all concerned parties, including the male concerned so that they are informed as to the **law around this particular offence.***

No further police action will be taken and this investigation is now closed.

Please be reassured that all allegations around electoral fraud are taken very seriously, and this outcome was decided after a full assessment of the circumstances of this particular case.

Many thanks for taking the time to report this matter.

Should you wish to discuss this matter then please do not hesitate to contact me.

Yours sincerely,"

Once again a law breaker is offered "words of advice" regarding "the law around this particular offence." At least the MPS at last admit that this was an offence.

As Commissioner Mawrey says in paragraph 579 of his judgement:

" an unkind person might remark that the policemen and polling staff had appeared to take as their rôle models the legendary Three Wise Monkeys."

The protocol

As I noted above the various protocols have no standing in law, they are completely voluntary and an organisation as determined to ignore election law as Tower Hamlets First, would be unlikely to observe any voluntary protocol.

The police have made much that since the Election Court, there have been fewer problems. However Tower Hamlets First in its various guises did not contest the 2015 General Election, the 2016 GLA elections or take part in the 2016 European Referendum. Therefore, *in absentia*, they caused no problems.

Any idea that a PR stunt involving a revised “protocol” will have any effect in 2018 misunderstands Lutfur Rahman and his cohorts. Proper enforcement of election law is what is required.

The Mawrey Judgement

Prior to the trial during 2014 there were preliminary hearings relating to the electoral petition. Lutfur Rahman and his team failed to get the petition struck out and an unprecedented decision was made to hear the case away from the borough, due to the **potential for witness intimidation and security of documents.**

Commissioner Mawrey found for the petitioners on seven of nine grounds;

- 1. Personation**
- 2. False Statements**
- 3. Paid Canvassers**
- 4. Bribery**
- 5. Undue Influence**
- 6. False Information/False Registration**
- 7. General Corruption**

The final judgement, witness statements and the transcript of the trial expose just how low the electoral process had sunk in Tower Hamlets.

The judgement was a landmark with enormous public interest. There was widespread national and local public expectation that it would be followed up with a full police investigation. Potential witnesses were ready and waiting to provide admissible evidence. Few, if any, were amongst those “spoken to” by DI Grainger.

Indeed there remains confusion as to the actions and decisions of both the MPS and the CPS. A Junior Barrister, Stella Hayden, called to the Bar in 2009, attended the trial and liaised with an unnamed official within the CPS.

It is understood that a thin file regarding the election fraud only was looked at.

In 2016 Lord Justice-Lloyd Jones sitting with Justice Supperstone, dismissed Lutfur Rahman’s request for a Judicial Review of the judgement apart from granting permission to seek clarification on “spiritual influence.”

In July 2016 AC Helen King presided over a less than satisfactory meeting attended by Mayor Biggs, the Chief Executive, myself and three commissioners. She was accompanied by DI Gail Granville, a local officer and Mr Vamos of the CPS.

The petitioners, key players in the process, were neither invited or even informed of this “confidential” meeting. Indeed neither the MPS or CPS have made any attempt to contact and meet them, despite a formal request to do so being made.

It was memorable for the observation by Mr Vamos said that he had only read parts of the Mawrey judgement and not a word of Lutfur Rahman's failed Judicial Review.

Subsequently Mr Vamos emailed me clarifying his comment having been copied into a letter I wrote to Commander Cundy, for which I await a response;

*From: Vamos Nick
To: 'cllrpetergold's
Sent: Wed, 21 Dec 2016 11:44
Subject: RE: Letter to Cmdr Cundy*

Dear Mr Golds

Thank you for sending copies of your letters to me. I can assure you that the CPS wishes to remain engaged in any discussions or processes aimed at identifying and prosecuting election offences in Tower Hamlets.

You have referred several times in correspondence to my statement at the meeting on 26 July 2016 that I had not read all of Richard Mawrey QC's judgment. Whilst this is factually correct, it would be misleading to use it to support the implication that no-one in the CPS had read the judgment, nor the judgment of Lloyd Jones LJ in the subsequent judicial review. In fact both judgments were considered very carefully at the time by the Specialist Prosecutor who advised the police throughout their investigation. That same Specialist Prosecutor then briefed me in detail in advance of the meeting on 26 July 2016. I thought it was important for you to be aware of this fuller picture which, I appreciate, I should have explained at the meeting itself.

Please do not hesitate to contact me if I can be of any further assistance to you.

Kind regards, and Merry Christmas

I responded as follows:

*Nick Vamos
Head of Special Crime
Deputy Head, Special Crime & Counter-Terrorism Division*

This raises far more questions than it answers. It is known that the CPS engaged a recently called Junior Barrister, Stella Hayden, to advise on admissible evidence.

Stella Hayden was asked a question as to whether the quality of the evidence in the electoral court would be likely to secure a conviction in a criminal prosecution under the RPA. She said no.

There may be legal agreement on this matter as this was a Civil Court.

*What it does **not** mean is that evidence could not have been gathered from potential witnesses which would not have been hearsay and would have been admissible in a Criminal Court. I for one have an extensive archive of material, but I heard not a word from the MPS about providing this and making statements in accordance with the Police and Criminal Evidence Act, 1984. DI Grainger was informed by Francis Hoar of 27 files that had been sent to the CPS. There are residents, councillors and journalists all with what would be admissible evidence and all were ignored by DI Grainger and her team.*

In short there was no attempt by the MPS to secure admissible, criminal evidence.

Conclusion

There is public concern at the reformation of Tower Hamlets First in anew guise. Having secured elections by ignoring election law they will be confident that they will remain above the law in 2018.

This may be summed up by the following comment from a Rahman/Tower Hamlets First support group.

- "For some, it's not enough that there was a politically-motivated stitch-up against him without any proof – beyond hearsay and a witch-hunt – as the final decision by the MPS/CPS clearly showed after their careful and exhaustive investigation."

Unfortunately for the MPS and CPS, both are now perceived to be of the opinion that the Election Court was a "politically motivated stitch up." This does not indicate that there will be any change by Tower Hamlets First.

Even now Rahman is seeking a Judicial Review to reduce his period of disqualification, the main ground being the absence of any criminal charges.

For public confidence to even start to be restored in the Tower Hamlets electoral proces, there needs to be an absolute assurance that the law will be enforced in 2018. This does not mean unenforceable "protocols" or miscreants merely "spoken to and offered words of advice." If there is law breaking then evidence must be gathered and action taken. This ignoring the obvious cannot continue.

Investigating police must understand election law, electoral procedures and the political process. There are too many instances of the police often uncomprehending of the elction process, making "on the hoof legal decisions" rather than collecting the evidence for submission to the CPS where hopefully there will be lawyers with expertise on election law.

It is a corrupt practice to submit a false return of election expenses, to use a false address on nomination papers, to spread malicious rumours about

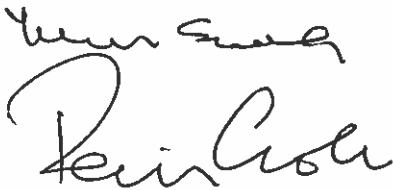
opponents, to intimidate voters in and around polling stations and to tamper with postal votes. There can be no excuses in the future into not investigating these matters fully and properly and bringing those who carry out these acts to justice.

I have extensive material as to the police failure to investigate malpractice in Tower Hamlets covering more than a decade. This material is available to officers now.

It also needs to be established, by enquiry, as to how the current situation arose and what will be done to prevent it happening again.

How a man could contest two elections in the space of six weeks in two different wards in the same borough, using two different names and two different false addresses, may sound fanciful. In Tower Hamlets it happened in May and June 2014, and despite the overwhelming evidence of his corruption he was let off with a letter from the MPS which he shows around.

Finally, there are outstanding illegal activities by the former Mayor which remain un-investigated, thereby enabling him to claim "acquittal." These need to be pursued.

A handwritten signature in black ink, appearing to read 'Peter Golds', written in a cursive style.

Councillor Peter Golds
London Borough of Tower Hamlets

Police and Crime Committee - Thursday, 9 February 2017**Transcript of Item 7 - Tackling Allegations of Electoral Fraud and Malpractice – Part One**

Steve O'Connell AM (Chairman): That takes us to the main item for this morning's meeting which is tackling allegations of electoral fraud malpractice. The meeting today is split into two parts. For the first part of today's discussion we are going to focus on the role of the Mayor's Office for Policing and Crime (MOPAC), the Metropolitan Police Service (MPS), the Electoral Commission and the Crown Prosecution Service (CPS) in tackling allegations of electoral fraud malpractice. Can I welcome the guests? We are blessed with many guests today. I will just run through them. First of all, from the MPS we have Detective Inspector (DI) Gail Granville and Commander Stuart Cundy; Robin Merrett for MOPAC; Claire Bassett, Chief Executive, Electoral Commission; and Nick Vamos, Head of Special Crime, CPS. Welcome all to this meeting.

I shall start the first set of questions, if I may, which has the broad title of tackling allegations of electoral fraud malpractice. I will put on record initially the Committee's disappointment at the earlier reluctance of MOPAC to come along. I am delighted that Robin is here today but there was some hesitation. Bearing in mind the Deputy Mayor's [for Policing and Crime] letter about the importance she attaches to this issue it seemed rather odd that MOPAC were reluctant, but you are here now and that is the most important thing.

My first question to all of you - and I would ask you to be relatively brief if you can - speaking for your organisations what is your role in tackling allegations of electoral fraud and malpractice.

Commander Stuart Cundy (Special Enquiry Team, Metropolitan Police Service (MPS)): From the police perspective - of course this is not unique to the MPS but it is pertinent to what we are here to discuss today - it is going back to the original principles of policing in relation to electoral fraud and malpractice. There are two key roles for us as the police. The first one is to prevent electoral fraud and malpractice. We do that in conjunction with partners, some of those who are here today for this session. The second is to investigate criminal matters that are then reported to us. The key thing for us as the police is operational independence and neutrality in what on occasions can clearly be challenging situations, whether it is a local or general election. Nationally you may have heard of authorised professional practice which is authorised by the National Police Chiefs' Council. When it comes to electoral matters that is done in conjunction with the Electoral Commission. We have an Authorised Professionalism Practice issued to all police forces that is guidance on the best professional practice. It is constantly evolving. It was most recently updated in the middle of 2016. The lead for that is Assistant Chief Constable Gareth Cann from the West Midlands Police.

When it comes to investigations - I am sure we will talk more about planning and how we can go about preventing electoral fraud and malpractice - clearly we would approach that as we do other investigative matters. We will always need to follow the evidence. We will always need to be neutral when it comes to some of the issues at hand. I think we will talk more about that in this session and, indeed, part 2 when we talk about Tower Hamlets as well.

Steve O'Connell AM (Chairman): We will pick up on that in slightly more detail in the case study. You confirm it is preventing and investigating fully?

Commander Stuart Cundy (Special Enquiry Team, MPS): They are the two hallmarks of all aspects of policing but are particularly relevant when it comes to electoral fraud and malpractice.

Steve O'Connell AM (Chairman): Robin, how does MOPAC fit into the strategic level?

Robin Merrett (Head of Operational Oversight, Mayor's Office for Policing and Crime (MOPAC): Clearly our role as MOPAC is to oversee the efficient and effective running of the MPS. Regarding electoral fraud we obviously have a generic role as being part of a democratic body. We take all matters of electoral procedure and the smooth regulation of elections seriously. When something particularly high profile happens to question that electoral process it would receive specific oversight. In terms of our responsibilities directly to the electoral process it is purely one of overseeing the police and its effective running.

Steve O'Connell AM (Chairman): You put that in two parts. You have the Mayor's interest in the electoral process within London, and the other part is the Mayor's and MOPAC's duty to oversee the performance of the MPS around investigation and performance.

Robin Merrett (Head of Operational Oversight, MOPAC): Yes.

Steve O'Connell AM (Chairman): That is something we will pursue later. We have, obviously, got the Deputy Mayor's [for Policing and Crime] letter to us in response to the request around that. It was aired earlier. This has been discussed and scrutinised under the previous Mayor, particularly under the case study we will pursue later as to the effectiveness of MOPAC around that.

Claire Bassett (Chief Executive, Electoral Commission): The Commission has a broad role in supporting as well as providing guidance, training and practical advice to both Returning Officers and the police. Stuart has just given a good example there of some of the information and things we jointly feed into that. Indeed, I work very closely with [Assistant Chief Constable] Gareth Cann. We were together on Friday having a training session for police from across the country. We have an important role in making sure the approach that is taken is the right one, of monitoring the approach of Returning Officers and providing support where they need it. We also have a broader role in gathering data and information about fraud. We are the only people that do pull that together and publish that at a national level.

What we do not do is investigate individual allegations of fraud. That is not the remit of the Electoral Commission. It is an area where there is sometimes confusion and it is anticipated we will play a more active role in a particular allegation or investigation when we would, in fact, refer that to the police.

Steve O'Connell AM (Chairman): There is a Government review on the whole piece around this, that you will be aware of, that I believe does slightly change in nuance some of the rules.

Claire Bassett (Chief Executive, Electoral Commission): It expressly does not address that. It makes some recommendations around the nature of offences and things like that. It does not suggest in any way that we ought to have any investigatory function in this regard.

Steve O'Connell AM (Chairman): That is probably quite important.

Nick Vamos (Head of Special Crime, Crown Prosecution Service (CPS)): The CPS has, on one hand, a more limited role but, on the other hand, a more focused and sharp-edged role. We are the authority with responsibility for bringing prosecutions for election offences in England and Wales. To the extent that we

bring those prosecutions we are dependent on the police to investigate and produce the evidence. We then make the decision whether that case should go to court. If it does go to court we prosecute it and see it through.

One thing I would add to that is although the term “election fraud” is a convenient umbrella to discuss these kinds of offences it is something of a misnomer because many of the offences under the various Acts do not involve dishonesty. They can be of a technical nature. Some do and some do not so I wanted to make that point.

Steve O’Connell AM (Chairman): We will revisit all of those points as we continue. Going back to Stuart and to Detective Inspector Gail about process, could you tell the Committee what is the process for investigating issues referred to your Special Enquiry Team (SET)? Talk to us a little bit about the SET as well when you respond.

Commander Stuart Cundy (Special Enquiry Team, MPS): The SET within the MPS is a small team of seven specialist detectives. They perform a single point of contact (SPOC) role when it comes to electoral fraud and malpractice. Every police force has that SPOC - to use the acronym - function. That is what the SET do for us. Within London that team of officers are the team that investigate all matters pertaining to electoral fraud and malpractice. We do not allocate them to local Investigating Officers. One of the main reasons for that is very much the specialist and unique nature of a lot of the offences that are being investigated.

In terms of the oversight of that team Gail [Granville], who is here with me today, is the Detective Inspector responsible for that. It became part of the portfolio that I am responsible for in the MPS, Specialist Crime Investigations, in 2013. Before that it used to be part of SO15, which is our counterterrorist command within London.

That team, working closely with the Electoral Commission and others, has built up a considerable body of expertise in London. With regards to the conference that was alluded to on Friday last week we, along with representatives from other forces, are always party to that conference.

In terms of the process, when referrals are received by us in the MPS we record any type of referral. Some of them will not be criminal offences when they are referred but we will record every single referral that comes into us as the MPS. A proportion of those will subsequently be recorded as offences of electoral fraud and malpractice. It is those cases that we refer on a monthly basis through to the Electoral Commission. In terms of the investigative process, we will follow - if I can use the phrase - a normal investigative route. That will be about identifying who the complainants are, trying to secure and preserve evidence and identifying who suspects and offenders are. We then take each of those avenues where the evidence may take us to try to establish whether an offence has been committed and, if an offence has been committed, who are the individual or individuals responsible.

As part of the unique nature of these types of offences we work exceptionally closely with the CPS. The team that works for Nick [Vamos] within the CPS - Nick will talk more about this, I am sure - are specialist lawyers with expertise within this particular area. As part of an investigation we will have continual engagement with the CPS who will assist us and provide us with advice on investigative opportunities that are worth pursuing. That does occur in cases where they identify something and say, “You might need to get advice from the Electoral Commission on this particular point”. That is what we call early investigative advice within the criminal justice process. When we, as the police, are satisfied we have sufficient evidence for a decision to charge we will then do another formal submission through to the CPS, who are the decision makers about an

outcome on whether an individual will be charged, cautioned and, indeed, within this offending some individuals will receive warning letters or words of advice from us. All of those that are termed within the Home Office as positive outcomes are the expectation within the authorised professional practice I referred to earlier. We will never make those decisions alone as the police. We will always work with the CPS and consult with it before those choices are made.

Steve O'Connell AM (Chairman): When we get to the second half of the meeting, the case study, we will look at allegations against disposals and how that process is connected. As you said yourself, your team sits within SCO1 which is your lead and portfolio.

Commander Stuart Cundy (Special Enquiry Team, MPS): That is right. I have two main commands. SCO1 is the homicide and major crime command of which the SET is one part.

Steve O'Connell AM (Chairman): Does it fit naturally within that grouping?

Commander Stuart Cundy (Special Enquiry Team, MPS): It does. My whole portfolio is basically serious and major crime, primarily reactive investigations for the MPS. That is everything from rape and serious sexual offences through to homicide as well as these types of offences.

Steve O'Connell AM (Chairman): We have had suggestions from others about other ways to potentially approach this. That can be investigated later.

Turning again to MOPAC. Specifically, how does MOPAC assure itself the MPS is investigating issues such as electoral fraud effectively?

Robin Merrett (Head of Operational Oversight, MOPAC): There are two points. One is that the actual conduct of investigation is clearly a matter on which the police have operational independence. We would not seek to direct or control any investigation. As part of our work around ensuring the MPS is fit to serve London we have oversight of their performance in terms of headline performance. We look at the skills and capability that are within the MPS and do considerable work around that. Clearly there are different levels of oversight as well. In terms of the recent work around vulnerability, we know the Deputy Mayor [for Policing and Crime] has taken up that matter and chairs a personal meeting that oversees performance against the Her Majesty's Inspectorate of Constabulary's (HMIC) recommendations to a considerable level of depth. Regarding other relevant enquiries, we will be looking at the workforce and whether the MPS has the right number of skilled detectives in the right places to perform that function. It is not specifically looking at any individual investigation but looking at the capability and capacity of the MPS to respond to the demands within London.

Steve O'Connell AM (Chairman): Without straying into the second half of the meeting, there has always been a tension of whether the Mayor and MOPAC should busy itself with individual pieces of work that are clearly in need of scrutiny or should step away and look at it strategically. We will look at that around the case study.

Caroline Pidgeon MBE AM: Commander [Stuart Cundy], you said you had a small team of specialists. How many people do you have working in that small team? You have not given us any context.

Commander Stuart Cundy (Special Enquiry Team, MPS): I think I mentioned there are seven specialist detectives working in that team. Their responsibility extends beyond electoral fraud and malpractice into other very sensitive and specialist investigations. They are part of a much broader command which is the SCO1,

homicide and major crime, command. Indeed, I will comment on the case study later. We have the ability within my portfolio to flex additional well-trained specialist detectives to assist. They will not have the same level of expertise when it comes to electoral fraud and malpractice as the SET but they are well-trained investigators able to assist in those investigations.

Caroline Pidgeon MBE AM: You have seven specialist detectives who are all experts in all aspects of electoral law and know it inside out, know about electoral practice and how it all works. They are the ones across London who will be investigating any allegations?

Commander Stuart Cundy (Special Enquiry Team, MPS): Their primary function is to investigate. They are not lawyers. They are clearly not experts in all aspects of electoral matters but they work with other experts like Returning Officers etc, and the Electoral Commission. Their primary role is one of investigation but they will have a high level of knowledge when it comes to electoral fraud and malpractice.

DI Gail Granville (Special Enquiry Team, Metropolitan Police Service (MPS)): We were at the Electoral Commission's training on Friday with the SPOC's from around the rest of the country. We go to the training twice a year.

Caroline Pidgeon MBE AM: What other things are they working on? They do not just do electoral practice. What other things do they do?

Commander Stuart Cundy (Special Enquiry Team, MPS): The investigations will include investigations into Members of Parliament's (MPs) expenses and into particularly sensitive enquiries where we have a high level of expertise in terms of some of those more delicate investigations as well.

Caroline Pidgeon MBE AM: Robin, has MOPAC, in general, done anything to look at the issue of electoral fraud and how the MPS operates in that field since its establishment?

Robin Merrett (Head of Operational Oversight, MOPAC): Not on a generic basis, no. Not as far as I am aware. Certainly there was oversight of this matter and it did get discussed between the Deputy Mayor [for Policing and Crime] and the Commissioner when it first arose.

Caroline Pidgeon MBE AM: You mean the case study we are getting on to?

Robin Merrett (Head of Operational Oversight, MOPAC): Yes.

Caroline Pidgeon MBE AM: The general looking to make sure that that area of the MPS is fit for purpose is not something --

Robin Merrett (Head of Operational Oversight, MOPAC): I have no knowledge of us looking at it generally, no.

Andrew Dismore AM: On Caroline's point, we had a memorandum from Sophie [Linden, Deputy Mayor for Policing and Crime] with six questions answered on behalf of the MPS. Did you interrogate the answers you were given?

Robin Merrett (Head of Operational Oversight, MOPAC): Which page are you looking at?

Andrew Dismore AM: This is Appendix A to the letter that Sophie sent the Chair on 21 December [2016]. This is the memorandum from the MPS to MOPAC that answers some important questions. Yes?

Robin Merrett (Head of Operational Oversight, MOPAC): Yes.

Andrew Dismore AM: It has given its account of what they do; a robust and proactive approach to electoral fraud and so on. Did you take those answers at face value or did you interrogate them after you received them?

Robin Merrett (Head of Operational Oversight, MOPAC): I did not deal with this particular item of correspondence at the time. Since I was asked to attend this meeting, last Friday, I have made certain enquiries and had a number of conversations with people, both within the police service and within the CPS, to explore the matter and to test the validity of what I have been told.

Andrew Dismore AM: Until you knew you were appearing here did anybody at MOPAC interrogate these answers from the MPS?

Robin Merrett (Head of Operational Oversight, MOPAC): I would assume yes.

Andrew Dismore AM: You would assume yes but you do not know?

Robin Merrett (Head of Operational Oversight, MOPAC): I do not know because I was not involved in it at that time.

Andrew Dismore AM: Perhaps in due course you can send us a memo about what exactly was done to interrogate these answers when you can investigate that, when you are back upstairs. Yes?

Robin Merrett (Head of Operational Oversight, MOPAC): Yes, happy to.

Andrew Dismore AM: Thanks. Can I go on to the questions I really wanted to ask? Commander Cundy, you talked about the well-trained small team and all that. What training do your specialist officers have in electoral law?

Commander Stuart Cundy (Special Enquiry Team, MPS): As was alluded to earlier, in terms of ongoing development and training it is working closely with the Electoral Commission and [the College of Policing] APP [Authorised Professional Practice], the professional guidance for all police officers operating in this area. There is the conference that occurs annually. When officers go to the team there will be bespoke training within that team. We have had - Gail may be able to assist - certainly since my tenure in this post, specialist electoral lawyers deliver specific training to that team. Some of it is experiential development. As a detective myself, when you go to new roles part of your own continuing professional development is to develop yourself into the role you are going into.

Andrew Dismore AM: That is not really answering my question. Let us start by the amount of time. How much time in a year would an officer spend on training on this?

Commander Stuart Cundy (Special Enquiry Team, MPS): I do not know the answer to that myself. I do not know if Gail is able to assist me with that one.

DI Gail Granville (Special Enquiry Team, MPS): The Electoral Commission send out weekly circulars that we have access to. That is the information from the Electoral Commission but it is very much personal development. Then there is the yearly conference and twice a year there is the integrity roundtable.

Andrew Dismore AM: A yearly conference. How long does that last?

Claire Bassett (Chief Executive, Electoral Commission): It is two-thirds of a day and then it is followed by a roundtable.

Andrew Dismore AM: What level of knowledge would you expect your officers to have of electoral law? Would it be the same, for example, as a party election agent?

Commander Stuart Cundy (Special Enquiry Team, MPS): The roles of a party election agent and an investigator can be quite different.

Andrew Dismore AM: Obviously it is a very different role. When I was qualifying to be a Labour party agent I did a course myself many years ago. It took several months on a correspondence course, with attendance and so forth, to learn the basics of electoral law. I had to know electoral law to a reasonable level; not necessarily as much as a returning officer who has to specialise in this field and is a local government lawyer, generally speaking, to start with. I would not expect that level of knowledge. The basic level of knowledge is what an election agent would be expected to know.

Commander Stuart Cundy (Special Enquiry Team, MPS): As you have described the training development you went through there is no equivalent within policing of that when it comes to electoral law.

Andrew Dismore AM: What level of knowledge would you expect an Investigating Officer to have?

Commander Stuart Cundy (Special Enquiry Team, MPS): The level I would expect would be to have a good understanding. As I explained earlier, they are not lawyers. That is why we work incredibly closely with the CPS who offer us guidance and advice when it comes to the legal aspects of what can be quite a technical field. The investigators do work very closely with the specialist lawyers in the CPS.

Andrew Dismore AM: We have had this letter - I am not going to get into it in detail as that is for later on - from Councillor Golds. He gives various examples. I would summarise it by saying if what you tell us is true several of the officers doing this work do not know their proverbial from their elbow about electoral law. It is very basic stuff.

Commander Stuart Cundy (Special Enquiry Team, MPS): If I may, that is the letter that was handed to me just when I walked in this morning.

Andrew Dismore AM: We only got it ourselves last night.

Commander Stuart Cundy (Special Enquiry Team, MPS): As you say, some of the examples, as Councillor Golds describes them, would lead to that conclusion. I note that some of the examples are from some years ago. The SET that we have now was created in 2013. The officers in that team now are not the same officers in relation to some of the cases Councillor Golds has alluded to. However, I do take your point.

Andrew Dismore AM: In your response to MOPAC - I can ask you this question rather than MOPAC - you also say,

“The SET continues to deliver training and briefings to all Borough Commanders and their key staff, including bespoke presentations explaining electoral fraud and malpractice offences and the role of the police on duty at polling stations.”

What training do you, through the SET, give to the borough officers?

Commander Stuart Cundy (Special Enquiry Team, MPS): In terms of the detail of that if I may refer to DI Granville to explain exactly what that looks like?

DI Gail Granville (Special Enquiry Team, MPS): As has been pointed out before, electoral offences are not part of the general police officer training. They are not part of the syllabus when you join as a constable. They are not part of the syllabus if you are studying to be a Sergeant or an Inspector.

Andrew Dismore AM: I think that is reasonable but we should expect specialist people to know what they are doing.

DI Gail Granville (Special Enquiry Team, MPS): We are mindful of that. It may be the first experience of elections for an officer who is posted on duty at a polling station. They are given briefings that go through what the offences are, explain in very broad terms what the more obscure offences are that they may never have heard of before, and also refer them to the APP which does have very detailed guidance for what to do in the various situations and how to preserve evidence. The Electoral Commission produce pocket-sized booklets that are issued to every officer who will be on duty at a polling station. Again, that breaks down, “these are the offences to look for” and also, “consider your powers of public order and breach of the peace” that officers will be aware of. It is getting that message home and also saying, “If any allegations are made to you, come to us because we will then actually know what the potential offences are”. What we do not want are people trying to report something or turning up at the front counter of a police station and being told it is not a matter for the police, it is a matter for the Electoral Commission or for the Council.

Andrew Dismore AM: When it says, “The SET continues to deliver training and briefings to all Borough Commanders ...” is that face-to-face training?

DI Gail Granville (Special Enquiry Team, MPS): At Tower Hamlets we do it face-to-face. We have done PowerPoint --

Andrew Dismore AM: I am not talking about Tower Hamlets. I am talking about London as a whole.

DI Gail Granville (Special Enquiry Team, MPS): Yes. PowerPoints are produced because there are 32 boroughs. The PowerPoints are produced and they go out to each borough.

Andrew Dismore AM: One of your specialist officers will go out to each borough to engage with the Borough Commander himself?

DI Gail Granville (Special Enquiry Team, MPS): No, the PowerPoint, that is very self-explanatory, goes out to each borough to be delivered. We will go to boroughs where we are asked to attend. Tower Hamlets is one where we will always attend. We have also gone to Hillingdon. If we are asked to attend we will go. We

will make ourselves available to go. There are 32 Commanders. I have delivered in person to all 32 Borough Commanders when they come together for a Crime Fighters meeting to go through it with them.

Andrew Dismore AM: That is a collective thing when they all come together?

DI Gail Granville (Special Enquiry Team, MPS): I have done that. You said about the 32 Borough Commanders. I have personally delivered training to the 32 Borough Commanders.

Andrew Dismore AM: For everybody else it is the PowerPoint that goes out to the boroughs?

DI Gail Granville (Special Enquiry Team, MPS): In each borough an Inspector is in charge of the running that election. They will then, in turn, deliver it to their staff.

Andrew Dismore AM: Is it checked that that is actually done?

DI Gail Granville (Special Enquiry Team, MPS): Yes, it is.

Andrew Dismore AM: Can I go on now to talk about the gathering of sufficient evidence. Can you explain, DI Granville, what differences you have in gathering sufficient evidence to create a case to submit to the CPS and what advice and assistance you get from the CPS in relation to this?

DI Gail Granville (Special Enquiry Team, MPS): One of the major difficulties - and this is not exclusive to London but is across the country and was borne out at the conference on Friday - is with electoral allegations. A lot of counter-allegations are made by different political parties and it is almost a tactic in the run-up to elections. One party, one candidate or agent will make allegations against another. A lot of the time, when we then make contact and try to follow up what has been alleged, they are very busy in the run-up to the election period. I believe Councillor Golds, in the letter I have had a brief glance at today, gives some such scenario where he is being asked to give evidence and it could not be at a worse time for him in his own campaign. In some cases the difficulty is that the person who has made the allegation is not able to speak to us and substantiate it. Then, of course, when you get the election result they have either succeeded and are no longer interested in pursuing what they have alleged or they have lost, walk away and are not going to pursue it. That is one difficulty.

The second difficulty is a misunderstanding between what a breach of the Code of Conduct is and what a criminal offence is. People may see candidates or agents behaving in a way that they feel is criminal but actually is a breach of the Code of Conduct rather than something we can prosecute.

The third thing - I think Mr [Nick] Vamos alluded to it as well - is that electoral fraud is bit of a misnomer. Sometimes it is a breach of regulations rather than an actual dishonest fraud. It is proportionality. If someone has breached slightly what they should put on a leaflet, on an imprint or what have you, is it proportional to prosecute somebody for that. Technically, they may have committed an offence but it would not be proportionate to prosecute them for that. They may end up with words of advice or a letter. Other political parties or members of the public may see that as we have not followed it through.

Andrew Dismore AM: There is a difference in scale between getting your imprint wrong and some of the things we will be talking about later on, is there not?

DI Gail Granville (Special Enquiry Team, MPS): In relation to the recent European Union (EU) referendum, because it was a referendum campaign and was very emotive on both sides a lot of people reported the matter to the SET because they felt it was an electoral matter but it was actually a hate crime. In our figures it will say we have so many allegations. We recorded them as referrals to us but they were not actually electoral offences so we made sure they went to the correct parts of the organisation that should investigate them.

Andrew Dismore AM: You told us about how complicated it can all be with tit-for-tat allegations and all that sort of thing. I come back to my original question, what is the difficulty in gathering evidence to put to the CPS when you get a credible allegation?

Commander Stuart Cundy (Special Enquiry Team, MPS): One of the real challenges for some of the offences that will be investigated is the very nature of elections and the secrecy of the ballot. In other criminal investigations we will often have hard evidence we can recover. For example, closed circuit television (CCTV) that we will not have in polling stations but may have nearby. There are also challenges with postal voting where a lot of the evidence is not publicly accessible. We have those seizing evidential challenges.

One of the other things we do encounter - again it is not unique to electoral fraud and malpractice but can be exacerbated within this area - is when it comes to witnesses willing to assist in criminal prosecutions. What we will often find is members of the public who have seen something or have an allegation to make may be willing to speak to political parties or others. However, when it comes from a police perspective to request them to make an evidential statement that we can then present to the CPS many witnesses - it is not unique to electoral fraud - are often unwilling to do that. Unless we have that evidence when it comes to a charging decision with the CPS we cannot get to that point.

The other aspect to your question was about files to the CPS. As I mentioned earlier, these matters are not like many other criminal cases when the first point we go to the CPS, on shoplifting for example, will be at the decision point for a charge. When it comes to electoral fraud and malpractice the first point we go to the CPS will be very much at the start of the investigation which is, "We have these allegations. This is what we have already identified. What advice can you give us in terms of progressing that investigation? What is the evidential requirements that we will need to prove?" That is what the specialist lawyers can give us. It is not a file for a charging decision. It is an ongoing dialogue and engagement. There will often be in some cases, and it is few, a subsequent full file that we go with for a charging decision on a particular offence or allegation.

Andrew Dismore AM: Thank you for that answer. Equally, on the other side of the coin, in elections there is often a paper trail that does not exist for other offences. For example, if you are looking at postal voting you have the certificate of identification, you have the electoral register, you have the marked register and, in particular, the marked postal vote register that seems to have passed some of your officers by, according to the Tower Hamlets letter we have. We may explore that later on. You can put all those things together and start to see what there is. Of course, there are circumstances in which you can go behind the secrecy of the ballot, although I accept that is very limited.

Talking about witnesses, we have seen in all the paperwork that hearsay is an issue. Is it not your job to try to turn hearsay into admissible evidence? Certainly when I was in practice as a litigator I would often get stuff referred to me, "so-and-so said so-and-so. So-and-so said this to so-and-so." It would be my job to go and speak to so-and-so and find out exactly what happened.

Commander Stuart Cundy (Special Enquiry Team, MPS): Absolutely. That is exactly what we do. That is a core part of the investigation. Again, that is not unique to electoral fraud and malpractice. That is what investigators should be doing on all matters when we hear of something through a person, to try to get back to the source of that information and secure it as evidence.

Andrew Dismore AM: Exactly. We may go into that in a little more detail when we look at the Tower Hamlets case because that does not seem to have happened. Mr Vamos, anything you would like to add to what advice you give?

Nick Vamos (Head of Special Crime, CPS): Yes. It really goes back to what Commander Cundy said at the outset. We work very closely with the police, not just the MPS but across England and Wales. I have two teams, one in London and one in York, with specialist prosecutors who advise from a very early stage, exactly as Commander Cundy has outlined.

The difficulties that we see are the same again as Commander Cundy has outlined. Identifying the suspect is often an issue. If somebody prints a load of anonymous flyers we may never get to the bottom of who did that. If somebody registers a mass of false registrations online the IP address may resolve to an internet café. We probably will not be able to get any further than that. Apathy, as Commander Cundy has pointed out, is a problem in local elections certainly where turnout is historically lower than a general election. Even if somebody is told that somebody has voted in their name they may say, "I don't care because I wasn't going to vote anyway. I don't really mind who the Councillor is." They will not even give a statement. That is something we come across.

A distinction I would make that is important is the difference between gathering evidence and proving the offence. They are not the same thing. As you have outlined, in postal voting there is a mass of evidence. It does not mean that will enable you to prove the offence. We still have to apply the Code for Crown Prosecutors. We still have to be satisfied there is sufficient evidence for realistic prospects of conviction, in other words that we could prove to a court or a jury beyond reasonable doubt the suspect has committed the offence. Even when you have all of the evidence you still may not be able to prove it.

Andrew Dismore AM: You can answer this question as a lawyer hopefully. Do you also look at the possibility of inchoate crimes around these; conspiracy, attempt, incitement and so forth?

Nick Vamos (Head of Special Crime, CPS): You can do. The difficulty there is sometimes they are just more difficult to prove. For a conspiracy you have to prove an agreement. You can have circumstantial cases where an agreement can be inferred from the evidence.

Andrew Dismore AM: Sometimes that might be easier than trying to prove some of the other detail.

Nick Vamos (Head of Special Crime, CPS): It is very difficult to talk hypothetically. In my experience inchoate offences are often more difficult than substantive offences. We may come to that later on. I think I have finished but I want to say to Mr Merrett I look forward to seeing your memorandum on what efforts MOPAC made to interrogate the memorandum from the MPS. If there were efforts I am rather surprised we did not hear about it before if it was in some way to correct or add to Sophie's [Linden, Deputy Mayor for Policing and Crime] letter of 21 December [2016].

Steve O'Connell AM (Chairman): Evidently it is most useful to have a lawyer on the Committee.

Tony Arbour AM: A couple of questions for Commander Cundy, please, relating to the collection of evidence. You talked to us about the difficulty of finding evidence for electoral offences. You vaguely outlined some of the other work your department does. Can I initially ask whether or not you were involved in Operation Midland? Was that part of your responsibility?

Commander Stuart Cundy (Special Enquiry Team, MPS): No, I was not involved in Operation Midland.

Tony Arbour AM: Your department was not involved in that at all?

Commander Stuart Cundy (Special Enquiry Team, MPS): The SET was not involved in Operation Midland.

Tony Arbour AM: Thank you for that. You have told us your team is made up of expert people who have been involved in this. Yet you have told us that you submit, at a very early stage, the evidence you have to the CPS to see whether or not they can form an opinion. If your staff are experts are they not able to sift that out?

Commander Stuart Cundy (Special Enquiry Team, MPS): As I explained, police investigators are not lawyers, they are investigators. They will have an understanding and knowledge of the law that will be greater than other police officers in other roles. The reason we go to the CPS is because of that legal expertise. That is why we will seek their advice within this aspect. I think it was explained that there are two teams of specialist lawyers for England and Wales who have this expertise.

Tony Arbour AM: I understand those points. When you talk about your staff having experience, how many of them have served in your department shall we say for longer than five years and have experience of electoral matters for five years or more?

Commander Stuart Cundy (Special Enquiry Team, MPS): You will have to forgive me, I do not know the answer to that.

Tony Arbour AM: You have just told us you have a very tiny staff.

Commander Stuart Cundy (Special Enquiry Team, MPS): Yes, I have a very small staff within the SET. I also have a very, very broad portfolio.

DI Gail Granville (Special Enquiry Team, MPS): All of the staff have been detectives for more than five years but the SET only took over responsibility for elections in 2013.

Tony Arbour AM: Therefore there is not a body of experience within this team relating to electoral matters.

DI Gail Granville (Special Enquiry Team, MPS): You could argue that but since 2013 we have had the 2014 elections, the general election in 2015, the London Mayoral election and the EU referendum in 2016.

Tony Arbour AM: Most of these complaints relate to a period when your specialist staff will have come to it completely fresh, will they not?

DI Gail Granville (Special Enquiry Team, MPS): 2014 was their first opportunity as the SPOC for the MPS. That is correct.

Tony Arbour AM: I am a bit foxed about this, Mr Chairman. Can I say initially how disturbed I am to hear that Mr Merrett only knew about these matters on Friday? I would like you to ask Mr Merrett if he can explain why this has happened in this way. It is not going to be possible for us really to ask Mr Merrett about this when he tells us he has barely had a weekend to look at these matters.

Similarly, Commander Cundy, as far as elections you have not been involved in this for a terribly long time and therefore are not able to evaluate, forgive me for putting it bluntly, electoral offences. Mr Vamos has suggested some of these things are very hard to prove. Many of the accusations - as I am sure will come out later - have loads and loads of witnesses. I understand if proper witness statements are taken it counts as hard evidence and not hearsay. We will come on to that later.

Could you explore with Mr Merrett now why he only knew about this on Friday?

Steve O'Connell AM (Chairman): I agree. This is all part of my introductory comment showing our disappointment at the fact that, frankly, MOPAC had to be dragged here kicking and screaming, despite the fact we have a letter from the Deputy Mayor [for Policing and Crime] that is effusive about how important this is and how robust MOPAC is. This, again, is not your fault personally, Robin. However, it is evidence of MOPAC's disinterest in the subject. Would you like to respond to that at all?

Robin Merrett (Head of Operational Oversight, MOPAC): It is not evidence of MOPAC's disinterest in the subject at all. I stand by all the lines the Deputy Mayor [for Policing and Crime] has written to you. The fact is it might not have exactly been last Friday but it was certainly within the last week or ten days I was asked to appear here. I had not previously had engagement with this particular matter because there are lots of other people who work on such matters within MOPAC. We have a few people who deal with those areas. The person who had been dealing with it is away at the moment and not able to attend the meeting and I was asked to attend. Since being asked to attend I have gone through the papers. I have made my own enquiries. I should be able to answer the questions you pose.

Andrew Dismore AM: There was nothing in your papers on the point I asked you about.

Robin Merrett (Head of Operational Oversight, MOPAC): There is nothing specifically saying the level of enquiries that were made by an officer when they received a note from the police. No, there is nothing like that.

Andrew Dismore AM: There is no email asking questions about it, "Are you absolutely certain about this?" or anything like that?

Robin Merrett (Head of Operational Oversight, MOPAC): No, but I probably would not expect there to be either, to be honest.

Steve O'Connell AM (Chairman): This is the second time I believe you have had to step in on my Committee at short notice because someone else has not been around. That is more of a structural issue with MOPAC than with yourself. We appreciate you being here today.

Andrew Dismore AM: I do find it surprising, Chairman, that you would not expect there to be copies of any memoranda, emails or something sent to the MPS asking questions. Certainly when I was in practice - it might be slightly different in MOPAC compared to a solicitor's office - everything is recorded, particularly on

something like that. If you are saying MOPAC's process is not to record enquiries of the MPS following up on memoranda you receive from them that is a very worrying position.

Steve O'Connell AM (Chairman): We will pick up on this on our actions post this meeting. We have some serious questions to ask of MOPAC around that particular process point.

Moving the debate on we want to talk about an overview of the most recent national data.

Caroline Pidgeon MBE AM: I would like to ask Claire from the Electoral Commission whether you can set out for us broadly the types and volumes of accusations over the past say three years in London and the United Kingdom (UK). You put out reporting in March 2016 that showed 481 cases of alleged electoral fraud and so on. Yet at that time only four cases had gone to court proceedings.

Claire Bassett (Chief Executive, Electoral Commission): Essentially what we do is record the cases and then follow those through the different stages which you have alluded to and you have there. I do not have any more information here than you have in front of you. I do not, I am afraid, have with me a breakdown by case type for London within that, so I cannot do that now. I will be very happy to send that through once we get back in the office. I think there are some figures the MPS has around the allegations.

Caroline Pidgeon MBE AM: What are broadly the types of accusations that you have picked up from gathering this data?

Claire Bassett (Chief Executive, Electoral Commission): The best way to describe it is to divide it in the voting process. By far the biggest category is campaigning type offences. That will be offences around candidate registration forms, and quite often around the signatures and attestations on that form such as incorrect signatures or wrongly put on there. That is a very big chunk of the allegations; the frauds, behaviour and activity around campaigning. The second area is around voting offences themselves. That will be behaviour around the actual act of voting, like impersonation or fraud around postal votes.

Caroline Pidgeon MBE AM: In terms of your work there seem to have been prosecutions for electoral fraud in other parts of England over recent years but not, it appears, in London. How do you explain that? Is that something you have looked at?

Claire Bassett (Chief Executive, Electoral Commission): We have not. If you are asking whether I think there should be more in London, it is not the role of the Commission to look at investigations and to make judgement calls about those investigations. There are other organisations and regulatory bodies that carry out that function. What we have focused on is raising awareness of this broader issue of encouraging better communications and encouraging wider communication about things like how to report offences. We do not have oversight of how investigations are conducted. We do not have the expertise to do that and that would not be part of our role.

DI Gail Granville (Special Enquiry Team, MPS): We did have a conviction from the 2014 election for a candidate nomination offence. That was a candidate in Enfield.

Caroline Pidgeon MBE AM: The 2014 local elections?

DI Gail Granville (Special Enquiry Team, MPS): Yes. He was convicted in 2015 but it is from the 2014 elections.

Caroline Pidgeon MBE AM: That is probably as far as I can go on that section, is it not?

Andrew Dismore AM: A quick question, probably to Commander Cundy. I have been asking questions about Appendix A in the letter that Sophie Linden [Deputy Mayor for Policing and Crime] sent us on 21 December 2016. There is no author to Appendix A indicated. Do you know who wrote Appendix A?

Commander Stuart Cundy (Special Enquiry Team, MPS): My name was attached to that. It ultimately came through me to the Deputy Mayor [for Policing and Crime].

Andrew Dismore AM: You authorised it and signed it off?

Commander Stuart Cundy (Special Enquiry Team, MPS): Yes, I did.

Steve O'Connell AM (Chairman): Caroline, have you finished your line of questions?

Caroline Pidgeon MBE AM: I think so. We will get something in writing, by the sound of it, from Claire afterwards with the details.

Commander Stuart Cundy (Special Enquiry Team, MPS): For the general election in 2015 the top three offences were eight allegations in relation to section 110 which is around imprints, six in relation to section 65(1) which is tampering in relation to postal ballots, one for false statements on nomination papers and five for impersonation which is section 60.

Caroline Pidgeon MBE AM: Would that generally fit with what it is across the country? Is that generally how it breaks down?

Claire Bassett (Chief Executive, Electoral Commission): Yes, it reflects that profile of the different types of offence.

Nick Vamos (Head of Special Crime, CPS): Chairman, on the question of whether there is a distinction between the success rate in London and the rest of the country, certainly from the perspective of CPS there is not. We see allegations from all over the country. We apply the same test to all those allegations. We do not see any difference in the quality of the file and the quality of the evidence. In fact, the MPS has a specialist team which distinguishes them from many other police forces.

Unmesh Desai AM (Deputy Chair): Following on from what you said, Nick, you used the term "success rate in London", obviously it is the failure rate in London. It is the other way round.

Nick Vamos (Head of Special Crime, CPS): Yes, same difference.

Unmesh Desai AM (Deputy Chair): The letter from Councillor Golds talks about prosecutions in different parts of the country; Derby, Woking and in Slough.

Nick Vamos (Head of Special Crime, CPS): I have not seen the letter, I am afraid.

Unmesh Desai AM (Deputy Chair): You are aware there have been successful prosecutions elsewhere?

Nick Vamos (Head of Special Crime, CPS): Yes, because my team prosecuted them.

Unmesh Desai AM (Deputy Chair): What has gone wrong in London? Obviously it is the same test nationally.

Nick Vamos (Head of Special Crime, CPS): I do not accept the premise of the question, Mr Desai.

Unmesh Desai AM (Deputy Chair): I put it to you there is a failure to apply the evidential test in the proper manner, a failure to collect evidence and so on.

Nick Vamos (Head of Special Crime, CPS): Each case has to be assessed on its own facts. Where the evidential test is passed and it is in the public interest to prosecute we will do that. Where it is not we will not. I do not accept the premise there is some problem in London. We assess each case individually.

Steve O'Connell AM (Chairman): We will be obviously investigating it in the second part of the meeting.

Tony Arbour AM: On this particular point you, Mr Vamos, have referred to the fact the MPS has its own department that looks into this. Do you not think that in itself, perhaps, contributes to the cases that you have referred to you that lead to a successful prosecution? In other words, could it be that by virtue of the fact the police have their own department that look into this that they, in effect, filter before matters are referred to you whereas that does not happen in other parts of the country?

Nick Vamos (Head of Special Crime, CPS): I would have to look at lots of individual cases to form an informed assessment. My impression is that is not correct because it goes back to what Commander Cundy said at the outset. We get involved with these investigations very close to the point that the allegation is made. We advise the police throughout.

Commander Stuart Cundy (Special Enquiry Team, MPS): Mr Arbour, if I may, I had the equivalent responsibility for two other police forces outside of the MPS before I took over this role. Whilst there is not a specialist team that is simply there to deal with these types of allegations you still have a group of officers, who might be part of a broader team, who are the ones with the additional specialist knowledge. The process those two forces adopted is very much the same as the MPS has.

Tony Arbour AM: Can I ask whether or not those other forces you dealt with are forces that have brought successful prosecutions, i.e. do you do Berkshire, for example?

Commander Stuart Cundy (Special Enquiry Team, MPS): I only read the letter this morning. One of those forces was Surrey Police. There is the Woking matter. I do not have the full details of all the other cases. I am aware of the Derbyshire case. In that circumstance the individual admitted the offence. I do not know about the other matters.

Steve O'Connell AM (Chairman): We only received the letter last night anyway so I do apologise, but I thought we would table it so you at least had it in front of you.

Andrew Dismore AM: A quick one to Commander Cundy, presumably if MOPAC had interrogated your Appendix A it would have come to you?

Commander Stuart Cundy (Special Enquiry Team, MPS): It would come through to me, yes.

Andrew Dismore AM: Did you get any enquiries from MOPAC about it?

Commander Stuart Cundy (Special Enquiry Team, MPS): Yes, I did.

Andrew Dismore AM: Do you have a record of those?

Commander Stuart Cundy (Special Enquiry Team, MPS): There will be an email trail between MOPAC and the MPS. Certainly, I spoke to someone from within the Deputy Mayor's [for Policing and Crime] office on the phone myself.

Andrew Dismore AM: There is an email trail?

Commander Stuart Cundy (Special Enquiry Team, MPS): There will be some emails. I would not be aware of the content of those messages.

Andrew Dismore AM: Perhaps either you or Mr Merrett can produce those emails in due course.

Steve O'Connell AM (Chairman): The next set of questions. Peter, you are leading on this around community vulnerability.

Peter Whittle AM: This is for Claire Bassett. As I understand it, in 2015 you commissioned some work from various universities as to why some Bangladeshi and Pakistani communities might be particularly prone to electoral fraud. Can you tell us something about this, please, in a little bit more detail?

Claire Bassett (Chief Executive, Electoral Commission): Yes, certainly. That research looked at what the vulnerabilities might be. It identified a range of vulnerabilities. It identified within that some of the things that are strengths of those communities such as the kinship networks and links that could also create vulnerabilities for influence over how votes were cast. It also looked at what we could do to improve communication and education around some of those things to try to prevent that happening.

Peter Whittle AM: Could you maybe give us some details? You mentioned in the report there were patriarchal hierarchies etc. How do these influence voting behaviour?

Claire Bassett (Chief Executive, Electoral Commission): Particularly in the absence of some other political parties - where there was a limited amount of options for who people could vote for - those kinship networks had led to influence being placed on people to use their vote in a certain way in order to support that network and the person that network was supporting.

Peter Whittle AM: Can you tell us how that actually works? How does the pressure come to bear? How does it work, as it were, in practice on the ground?

Claire Bassett (Chief Executive, Electoral Commission): The first thing to say is I am not an academic expert on this matter. One of the reasons we commissioned experts to do this was in order to use their expertise. I am very happy to share my understanding of it but I want to *caveat* that as I am not an expert.

Peter Whittle AM: No, but presumably there must have been a report on the research.

Claire Bassett (Chief Executive, Electoral Commission): That influence is around the networks, particularly extended family networks and links within those. I do not have specifics here, I am afraid. It is not something I can go into enormous detail on, I am afraid.

Peter Whittle AM: This is the nub of the issue, is it not, in a way? I was particularly thinking in terms of how this might affect the position of women and how they vote. I have not seen any mention of this. If you are talking about patriarchal ties, how does that play out? These people did the research for you so, presumably, they came up with some examples of how that works in practice.

Claire Bassett (Chief Executive, Electoral Commission): For women it is about influence within the home. Again, issues such as language barriers, poor understanding of public information, inability to read ballot papers and guidance around applying for postal votes and that sort of thing make them vulnerable to that level of influence.

Peter Whittle AM: Basically they are told how to vote by the males in the household, for example?

Claire Bassett (Chief Executive, Electoral Commission): There was an identified area where that was some of the vulnerability, yes.

Peter Whittle AM: Having seen this research that you commissioned, what conclusions did you come to about how this could be best tackled?

Claire Bassett (Chief Executive, Electoral Commission): The first area was around public awareness. That needed to do two things. It needed to get across much more clearly what appropriate campaigning is and what inappropriate campaigning is. You asked a question earlier about what was happening, what is unacceptable needs to be much clearer in our communications and our public awareness activity so voters know what they can and cannot expect in that circumstance. The second area of public awareness was around how to report fraud or risk if that is becoming apparent and making that clearer. Within that it is addressing how we can do that in areas where there are very lows of literacy or where English language skills are not at a level where they would be able to understand that. The Code of Conduct for Campaigners sits alongside this, being very clear with campaigners what is acceptable and what is not.

Peter Whittle AM: When it comes to the Code of Conduct for Campaigners, who should it be made clear to?

Claire Bassett (Chief Executive, Electoral Commission): This is one of the challenges. It is one of the challenges certainly that Sir Eric [Pickles, Former Secretary of State for Communities and Local Government] picked up in his report, that the Code of Conduct needs to apply widely to all campaigners and needs to be something that perhaps has a more statutory footing than it has now. It is voluntary at the moment. That is something we have been seeking to change. The definition of "campaigner" is difficult. It is very obvious when you have an immediate politician and the immediate people linked to that politician. Again, from our point of view it is about making sure that Code of Conduct goes as far as possible and that parties take responsibility for that Code of Conduct going out to the frontline of their campaigns.

Peter Whittle AM: It might have been quite useful to have had people from the university who have done this research here as a witness. People need to know what we are talking about. We are talking about how it actually physically works. Are people marched into the booths? We know there are no security cameras. How does it work? Surely we have to know those details before we can tackle this or make your job easier.

Claire Bassett (Chief Executive, Electoral Commission): I was not asked that. Unfortunately they are not here today.

Steve O'Connell AM (Chairman): We may be able to scrutinise those parts in the second session this morning, potentially.

Unmesh Desai AM (Deputy Chair): Carrying on from where Peter left off, a question to you, Claire. Would you agree with me that Code of Conduct protocols only work if all parties sign up to it genuinely?

Claire Bassett (Chief Executive, Electoral Commission): Absolutely, yes. We would like to see them on a compulsory footing.

Unmesh Desai AM (Deputy Chair): I will come to this in the second part of the morning but one or two parties clearly do not have any regard for the Code of Conduct protocols. It is really law enforcement.

Claire Bassett (Chief Executive, Electoral Commission): It makes it very difficult.

Unmesh Desai AM (Deputy Chair): That is what we should be talking about.

Claire Bassett (Chief Executive, Electoral Commission): Yes. It is one of the things Returning Officers find the hardest. It makes their life very difficult if you have some particular campaigners or parties who refuse to abide by that Code of Conduct when they are campaigning. That also adds to things like the tit-for-tat type allegations and the growth of that whole atmosphere that, again, makes it very hard to do this.

Steve O'Connell AM (Chairman): Self-regulation depends on the integrity and discipline of the parties.

Claire Bassett (Chief Executive, Electoral Commission): Yes.

Peter Whittle AM: To Commander Cundy, what particular difficulties do you have in collecting evidence from the communities we are talking about?

Commander Stuart Cundy (Special Enquiry Team, MPS): There are a huge number of very distinct communities across London and, again, some of these issues are not unique when it comes to electoral fraud and malpractice. Some communities will have a significant distrust of the police - as you as Members will know - which is why, as the MPS, we are constantly seeking to improve our local engagement with communities to secure that confidence, whether it is in relation to coming forward about electoral fraud and malpractice or indeed in relation to other crimes, antisocial behaviour, etc. It is challenging.

Some of it can be legacy reasons within that community in London; some of it can be challenges through individuals who may have come into London in recent years and have that inherent distrust of authority and particularly the police and where they may have come from. That is always a challenge.

The way to overcome that is the long-term engagement. The work we are doing from the MPS and under the Deputy Mayor [for Policing and Crime] and the Mayor to improve that local connectivity with our local communities is going to be very central to that.

The challenges, as we picked up through the report from the Electoral Commission, are the ones that we face. The trick for us as the police and as indeed with all our other partners in this area is to try to find a way to overcome them.

Peter Whittle AM: You have not made any headway, really?

Commander Stuart Cundy (Special Enquiry Team, MPS): No, we are continually making headway. That is often down to individuals, particularly our Borough Commanders, and the leadership they give within the boroughs across London is very key in terms of that engagement through community members, key friends and critical stakeholders across all of our communities in London.

Peter Whittle AM: Just one more question. You are talking about the challenges and the problems and I think we all accept that there are, obviously, challenges and problems. It is just a question of how you are doing it and what you are doing. Is there a problem too - and you can tell me if I am wrong - that you might be a little concerned as police now that you do not want to be culturally insensitive to people and their particular attitudes and their values towards the electoral system and so that might actually inhibit you?

Commander Stuart Cundy (Special Enquiry Team, MPS): I do not agree with that statement in terms of it inhibiting us, no.

Peter Whittle AM: You do not?

Commander Stuart Cundy (Special Enquiry Team, MPS): We will always be sensitive to different cultures, but our role is to remain neutral and to follow the evidence within this. Yes, we will always be sensitive, as we will in all aspects of policing, but I do not agree with the statement that it is inhibiting us, no.

Peter Whittle AM: I see. Just in case - and it probably has not happened - if a woman from the Pakistani or Bangladeshi community came to you and said, "I think that my husband is forcing me or is possibly intimidating me to vote a certain way", you would not send her away and say, "We respect your culture", or anything?

Commander Stuart Cundy (Special Enquiry Team, MPS): I would not expect any of our officers to send her away, no.

Peter Whittle AM: Thank you very much.

Robin Merrett (Head of Operational Oversight, MOPAC): Can I just add to that? Certainly, there would be no expectation that people would be sent away. The Mayor's whole drive around increasing the diversity of the MPS and the drive towards neighbourhood policing is all about better engagement with local communities and local individuals so that those barriers are broken down.

Steve O'Connell AM (Chairman): The last set of questions, Sian, are you going to lead on about the Pickles Report [*Securing the Ballot: Report of Sir Eric Pickles' Review into Electoral Fraud, 2016*] recommendations?

Sian Berry AM: The Pickles Report. The Government's response to that responded quite positively to most of the fifty recommendations. Can I ask Claire, possibly, to outline the main changes that are being put forward as a result of that?

Claire Bassett (Chief Executive, Electoral Commission): Yes, certainly. If I start with the ones that have had the most attention. The first one was around identification (ID) and polling stations, they do mention the higher-risk areas in that but I do not think it is assumed that the pilots will definitely be in those areas. However, those pilots will look at the use of ID in varying forms from photo through to utility bill types of ID and we will be involved in evaluating them.

The other main area was around postal votes and looking at measures to prevent what is colloquially known as 'postal vote harvesting' and preventing campaigners from collecting up large numbers of postal votes and taking them into polling stations. There was also a recommendation to look at taking away postal votes being enduring and instead having a renewal period for those and that side of it.

There is then a series of recommendations for changes to our guidance, most of which have already been done, which are about practice in polling stations and around polling stations, the use of the *cordons sanitaires*, the tightening up of some of the guidance around activities in polling stations, making sure people are not accompanied into booths and that sort of thing. Although that was in the guidance, there are about eight or nine areas that have been tightened up as a result of that.

Then there is one more area about electoral offences and having a look at that. That goes back to the earlier conversations we were having about just how difficult the law is in this area. The Law Commission has also done a piece of work looking at how all of the law could be simplified. The key part of that is around electoral offences and, although the Government is not anticipating being able to get a single Bill that will respond to all of the Law Commission's recommendations, it is committing to take parts of that forward and electoral offences are one of those.

Sian Berry AM: Can ask you first of all if the recommendations and the actions taken reflect well the levels of offences of different types? Earlier on, you outlined that most things were to do with registration problems or fraud on the forms. The things that might lead to prosecutions seem to be mainly offences committed by campaigners rather than relating to the actual voting and postal ballots. Is the balance right in the changes proposed?

Claire Bassett (Chief Executive, Electoral Commission): That is a good point. They are changes to the nature of the offences. The CPS might have a view. At the moment, the offences are very old offences and do not feel hugely relevant to modern life. Changes some of those offences to make undue influence clearer will pick up those areas.

We talked about the registration types of offences. They are quite clear at the moment. They are there. That is a failure to follow the rules about that. There are some really small areas we would like to see better clarity around the law of those, but they do not need quite the same attention as some of those other areas.

The thing that affects all of this is about confidence in elections and the perceived risk of fraud. The research we have done shows that [presenting] ID in polling stations is the thing that people most often quote as something that would give them more confidence when voting. That is one of the things that has led to that attracting perhaps more attention than others.

Sian Berry AM: In terms of activities around polling stations, I have to declare an interest. I have been a candidate. I have been an election agent as well and I have taken part in campaigns around London in lots of different boroughs.

The actual enforcement of things like the *cordons sanitaires* seems to vary quite widely around different boroughs. Is there a sense that you will be making the rules and the enforcement more consistent and have more consistent police practice there as well?

Claire Bassett (Chief Executive, Electoral Commission): Yes. One of the things that we have clarified the guidance on is that and we have made that clearer so that Returning Officers are very clear about what they can and cannot do in specifying that. It does vary because in some areas you just do not need it or it is not feasible compared to other ones.

One of the things we work very hard to do is to encourage best practice, particularly in Returning Officers' relationships with local police on polling day, so that they have the police presence to enforce those *cordons sanitaires* and to do that. That is something, again, that particularly in the run-up to the next elections we are working on with local authorities and with the police.

Sian Berry AM: Can I ask the police representatives now? Are you in support of the changes proposed? Will they have an effect on the workload, maybe not for the SET but maybe on election day if there are queries about ID and people wanting to challenge the fact that they have been refused a vote? Those kinds of issues might lead to a higher workload.

Commander Stuart Cundy (Special Enquiry Team, MPS): Whether it will lead to a higher workload, I am not sure. The MPS and the National Police Chiefs Council welcome the report from Sir Eric [Pickles]. As has been said, there are some aspects of the law that could be brought up to date, which would assist investigators and would assist some of the decisions that we then have to make. One of them that stands out for me is around residency, certainly in terms of the definition of what 'residency' means, as we have found from an investigative perspective.

In terms of on the day around polling stations, I speak from a personal perspective: I would be supportive of that. There are going to be a number of pilot areas around ID, I understand, which is a step forward to identifying the best approach to take. If there is clarity that comes out of this for the officers who will be on duty at polling stations, then that is only going to be of benefit. If it is straightforward enough in terms of what the changes to the law may be, then that will be part of our briefings and our inputs to the officers who are on duty. If they do not know the answer themselves, that is why on election day the SET is on duty. If an officer does not know the answer, they know someone who will.

Sian Berry AM: Do you think that it will affect outcomes, how allegations are tackled, how many are brought for prosecutions or warnings?

Commander Stuart Cundy (Special Enquiry Team, MPS): I could not give an answer to that, but in terms of an outcome about the perception, which we have just heard, yes, I completely echo what has been said. If it gives additional confidence and if it enables free and fair elections and the free-flowing of the day, then it can only be a positive outcome.

Sian Berry AM: OK.

Steve O'Connell AM (Chairman): Andrew, did you want to come in?

Andrew Dismore AM: Claire, we were talking earlier on about training and we understand from DI Granville that there is a set of slides that is set around and so forth. Did you participate in the preparation of the slides?

Claire Bassett (Chief Executive, Electoral Commission): I do not know. That is the honest answer to that. We may well have done. The specialist experts in my team do work very closely with the police and are very willing to have input.

Just to come back to the Law Commission's recommendations, there are over 20 primary pieces of legislation in this field and 80-something bits of secondary. In fact, there is a real risk - as I have found out - that you think you have understood the specific rules around the number of days before something has to be done or what the residency rule means in here; but because the different secondary or legislation has come from different places, you can have very different sets of rules for three or four different sets of elections. There is almost a danger of knowing enough to be dangerous and it being such a complicated area that it is almost more important that people know where to go to get the expert advice about some of that when they need it.

Andrew Dismore AM: Yes. Perhaps DI Granville can send us the set of slides in due course, anyway.

You make an important point, which really is my main question. I would not expect the police necessarily to know what the various deadlines are for submitting nomination papers and all of that. That is not really a big issue here. However, do you think that there is more you can do to help train the police in this area of the law?

Claire Bassett (Chief Executive, Electoral Commission): We do a fair amount at the moment. As we said, we have the newsletter. We run the single point of contact (SPOC) seminars annually and a biennial roundtable. We do that very much with the police so that we make sure we build on the experience of what the police have done and they share their knowledge on that as well. When asked, we do support and feed into other training and other events like that. We make sure that if there is a development or if something is to change, we make the police aware of that.

I am not sure what more we could do reasonably in the circumstances of it that also would reflect the burden it would place on the police in some areas about keeping up-to-date and the breadth of it.

Andrew Dismore AM: Is the syllabus - for want of a better word - of these away days - for want of a better word - set by you or is it set jointly with the police?

Claire Bassett (Chief Executive, Electoral Commission): It is done jointly. The seminar is done jointly and the roundtable is by us. It is voluntary and nearly every police force has at least two people there. We are very focused on making sure that we keep it meaningful and we keep it focused on areas. The one we had last week focused in particular on these issues of registration and the experience that they had had recently in Derby and it also looked at some of the registration and the experience in Pembrokeshire, where they had multiple registrations of voters identified from a house, and the experience there.

Andrew Dismore AM: Perhaps you could send us the set of materials that you --

Claire Bassett (Chief Executive, Electoral Commission): Yes, certainly.

Andrew Dismore AM: The last question from me, you will be pleased to hear, at least for this section, is for Mr Cundy and Mr Merrett. Do you think that the MPS and/or MOPAC need more powers and, if so, what?

Commander Stuart Cundy (Special Enquiry Team, MPS): If I can go first, for me, I am not sure that it is about more powers. It is about, as we have just discussed, clarity in some areas. We talked about polling stations. The short answer is, no, it is not about more powers. It is definitely about clarity of roles.

As always, it would be very naïve of me to sit here and say that we get it right all the time, but it is always going to be a continuing improvement. For every election that occurs here in London - and indeed elsewhere - the real benefit of the work we do with the Electoral Commission and the work we do nationally is that we learn from what other forces have experienced. We have just referred to two cases there, which were discussed at the conference last week. For absolute reassurance for you, for those national conferences, the MPS is always at them.

Robin Merrett (Head of Operational Oversight, MOPAC): I do not believe that we need any more powers in this area and none of the reports that have looked into this matter - and the ones we have spoken about here, the Pickles Report or the Electoral Commission - have pointed out that Police and Crime Commissioners (PCCs) generally should get more power in this area.

Unmesh Desai AM (Deputy Chair): If I can just come in, I am glad that both of you said that you do not really need more powers. It is, in my opinion, using the powers that you already have and exercising those powers.

Let me give you an example. What we have - certainly in parts of east London and, from what I have heard, parts outside London as well - on election days is large groups of people hanging around outside polling stations --

Caroline Pidgeon MBE AM: Yes, intimidating them.

Unmesh Desai AM (Deputy Chair): -- with a view to explaining the process to the public who are going in to vote and we get police officers just hanging around, basically, observing what goes on. You can clearly see what I would say is voter intimidation or pressure on voters to change their minds or to vote in a certain way. I am talking of groups in some cases as large as up to 50 people outside one polling station. It even happened in the last mayoral elections in May [2016]. I personally saw one polling station in the East End with about 20 to 30 people just hanging around outside and there was a police officer standing there.

Surely, apart from common-sense policing, there are various powers, I would have thought, such as obstructing a highway if they do not move on when asked to do so. It is really a question of why those sorts of powers are not being used.

Commander Stuart Cundy (Special Enquiry Team, MPS): There are probably two parts to my response to that, if I may. You are absolutely right that there are powers that police officers have that are beyond electoral matters, obstruction of a highway being one of the obvious ones there. Intimidation, which you referred to, is an interesting one for us legally. In fact, the *Securing the Ballot* report talked about defining 'intimidation'. From a police perspective, we are often used to it when it comes to witness intimidation and those sorts of aspects.

It comes down to the input that officers will need to have within polling stations and our role on election day. Election day is not about an investigation or securing evidence. It is about elections. Our primary purpose is the free and fair elections and the smooth running of the day. If there are powers that we need to exert, that is why the training we give - and in some boroughs it is joint training with those who will be within the polling

stations themselves - is so that officers feel empowered and assured in the steps that they will take. They might not have direct expertise before that day about the issues around elections and electoral fraud malpractice at polling stations, but all police officers have training and input around public order offences and breaches of the peace.

I can imagine that there could be a situation where there will be a tension for a police officer when they might be looking at it through that public order lens as opposed to the electoral lens. With common sense, I can understand that because that is the knowledge and the understanding that they will have. That is why the police have discretion. My role is to make sure that they are trained and aware of the differences and the benefits of going down one path or another.

DI Gail Granville (Special Enquiry Team, MPS): Can I just add to part of what Commander Cundy said about building on the learnings? After 2014, the message was about the conduct outside polling stations and we recommend that, as I said, each officer who is on duty outside a polling station is asked to complete a duty statement at the end of the day and they record if there were any incidents.

We also recommend - and it was taken up in Tower Hamlets - that body-worn videos [cameras] are worn so that if people are collecting as a group, the officers can get the evidence then and there.

Unmesh Desai AM (Deputy Chair): Can I just ask you, Claire, if you would look into this when you are reviewing your guidance and procedures?

Claire Bassett (Chief Executive, Electoral Commission): Yes.

Unmesh Desai AM (Deputy Chair): I have another example and this happened, again, both in London and outside London as well. I am not saying that this happens that often but people - and there are certainly people in the gallery who have seen this first-hand - go into polling stations with electors, again, with a view to translating or helping them. What sort of help is provided is a matter for debate. I think we all know what sort of help is provided.

Claire Bassett (Chief Executive, Electoral Commission): Yes. That is one of the specific areas that has been made even clearer as a result of Sir Eric's [Pickles] report. Again, it is an area where we are very conscious that that needs to be really reinforced with everybody in those polling stations to make sure they understand absolutely what the rules are and are very vigilant to that effect.

Len Duvall AM: Chairman, if I could just follow up on that particular issue to understand, that is the activity and what you are asking your police officers to do on election day, but what about crimes during an election period that may be brought to your attention?

We cannot help it and we are moving on to it in terms of Tower Hamlets, but there seems to be a systematic type of abuse going on at different times and a level of activity, whether it is criminal or not, that should be - may well be - brought to your attention. That might persuade the CPS that there is an atmosphere or an issue that is generating a level of activity that should be of concern to the police not just in terms of electoral fraud but in terms of criminality.

Am I taking it that your advice to officers is for the election day and polling day duties, but what about that period? If I am sitting with the Tower Hamlets police and if there is something that someone says and a

complaint that I think is due to the election, would that automatically be referred to you or would that stay in the borough?

DI Gail Granville (Special Enquiry Team, MPS): When the purdah period starts, across the MPS there is advice and guidance issued, which is on the front of the computers for everybody logging on each day at the start of the election campaigning period so that all officers have an awareness. That very much says, "If you have any concerns, contact the Special Enquiry Team". We do start to get allegations and the picture, like you were saying, that they build up and escalate as campaigns get closer to polling day. We start investigating them as soon as we get them. We do not wait. Things do not come in just on polling day. They start well in advance of that.

Len Duvall AM: OK, but there are some crimes that might not come to you, then, and so you might not be getting the full picture of some activities that might be of importance to you in terms of going about your investigations?

DI Gail Granville (Special Enquiry Team, MPS): If it is an election offence and if it is reported as such, it will come to my team.

Len Duvall AM: If it is an election offence, but I am talking about other associated crimes.

DI Gail Granville (Special Enquiry Team, MPS): If we are talking about intelligence that is to do with elections on the MPS Crimint system, the intelligence report system. There is a flag for officers to put if it is related to elections and we will search on that daily to pick up anything else that is not actually an offence but the officer thought, "This has something to do with elections", and they have given it that category. We will pick up things from there.

Len Duvall AM: Thank you for that. Chairman, can I go back to some of the questions I just had? I want to go back to decision-making just to clarify something you said earlier on.

You get the complaint, you investigate and then there is a choice. The choice is either to involve the CPS at that earlier level or to carry on with your investigation and just deal with it at the appropriate point with the CPS. Do I have that right in terms of the choices that you have about when the CPS becomes involved and when it does not?

DI Gail Granville (Special Enquiry Team, MPS): On the CPS - and Nick [Vamos] has alluded to this - we are working with it very closely and so it is involved very early on and will know how many allegations we have, in broad terms, for any election from the beginning. We will say, "There are a couple of these that we will bring to your attention now", and they may ask for more detail and documentation --

Len Duvall AM: For your own internal decision-making as the investigation goes on, I get that this is a complex issue in terms of election fraud or any type of fraud but fraud in terms of where that is.

Who signs off what at what stage depending on the complexity of the investigation? Are there any referrals back to the local Borough Command because there may be issues of clarification? Who is doing what in these circumstances as you take a case and progress it? Who is signing off what?

DI Gail Granville (Special Enquiry Team, MPS): If we take it at the very lowest level and if I go back to imprints, we may get an allegation that something does not have an imprint on it. If we get a copy of the

leaflet and turn it over, there is an imprint on it and so clearly there is no offence. With some allegations, an allegation is made and we can very clearly see from the beginning that there is no offence. That would be closed off by the Investigating Officer. Before a crime report can be closed, it has to go through the line manager. Where there is clearly no offence - and that is a very basic example - it will be closed within the team. We would not speak to the CPS about that. We can use our own eyes and see that there is no offence.

Len Duvall AM: That is all contained within your team? There is no other referral process? There is no, "I need to consult with someone else within the MPS", but, "This is a straightforward case. I am dealing with it"?

DI Gail Granville (Special Enquiry Team, MPS): If there is no crime and that would be no different to any other investigative team --

Len Duvall AM: On the less straightforward cases, then, what is the procedure for that? How does that work?

DI Gail Granville (Special Enquiry Team, MPS): With a less straightforward case, there is that investigative plan, the gathering of the evidence and the considerations about closed-circuit television (CCTV) and witnesses that Commander Cundy has referred to. Those would be the ones that we would be speaking to the CPS about to say, "This is the allegation. This is what we have. This is what we intend to do". They may give us some advice as to things that they should follow up. These are all documented on the crime reports. Take it as far as the evidence --

Len Duvall AM: There is a straightforward line; it is all between your unit and the CPS and no other people are consulted?

DI Gail Granville (Special Enquiry Team, MPS): We are talking in very general terms and so, if an allegation is --

Len Duvall AM: Of course. We are going to talk specifically later on.

DI Gail Granville (Special Enquiry Team, MPS): Yes, I know. If it is --

Len Duvall AM: Let us talk generally. How does it work in the real work?

DI Gail Granville (Special Enquiry Team, MPS): If it is an election allegation, then it is dealt with by my team. If it is something that we feel is not an electoral offence - as I have already alluded to, it may be that it is actually a hate crime offence - then we will speak to the relevant borough or the relevant unit, which will then take over the investigation of that crime. It is not that everything comes into the Special Enquiry Team and never goes out again.

Len Duvall AM: Yes. Are there times during a complex investigation when you might seek other people's advice? In other investigations, if it was going on for too long, you might have a review or ask other officers' advice in terms of how it is developing and how it is proceeding. Does that work? Does it happen? Has it ever happened in any of these cases since you have been established?

Commander Stuart Cundy (Special Enquiry Team, MPS): The short answer is yes. As well as the Investigating Officer and the immediate line manager, for some of those complicated cases or when the scale

of the investigations relating to a particular election, there will be the additional level of oversight. I know that we are going to come on to the case data later and we can go through some of that in more detail.

There are other cases. If an officer out in a borough has an allegation that is made to them and they think, "This is connected to this election", it will automatically go through to the SET. You have heard about what might happen, for example, with a hate crime offence, which might go back for local investigation. There could be other offences. If it is fraud but not related to the election, we have dedicated fraud specialist officers within our Serious and Organised Crime Command. Those investigations would go off to the most appropriate person to investigate.

In terms of the review process, there are different levels of escalation that we can do. There is not just Gail's [Granville] role as a DI. That is overseen through to a Detective Superintendent and then ultimately through to me as the Chief Officer responsible as well.

Len Duvall AM: I suppose just for us to try to understand this, is there an equivalent, in terms of balancing up the role of Prevent in terms of these criminal offences and in terms of democratic practices, to cold cases? Somehow, with the leadership that you have at that time, a fresh pair of eyes might look at it and then say, "Now we are going to look at it in a different way and tackle it in a different way".

In some of these cases that have not been disposed of, are they still live? Could they still be live in terms of your unit? Do you have live cases now that are historical that you have not quite got but they are still on file? How does that work?

Commander Stuart Cundy (Special Enquiry Team, MPS): It all depends on the offences. As you are aware, when it comes to particular election fraud and malpractice offences, there are time limitations. In terms of a live investigation, once that time has expired, clearly, there will be no ongoing live criminal investigation for that offence, but there could be other offences.

We have a number of ongoing investigations relating to different elections and there is a whole myriad of investigations that we have around those different offences at this point in time. I do not know if that answers your question.

Len Duvall AM: I suppose it partly answers it but we might come back to that and return to that, but let us just talk about this relationship between you and the CPS.

Am I right in thinking that if I am an Investigating Officer and I need to pick up the phone, I am going to make a file note of that conversation with the CPS and, presumably, you might do it the other way? Or does it not work like that? Is it not straightforward? In these conversations and how they take place, who does what? What is the process like? Can you describe that process to us both during an investigation and then when you finally get to the little bit. We would quite like to hear that and understand that because it might have some relevance later on. How does that work, then?

Nick Vamos (Head of Special Crime, CPS): Maybe you can talk from the police perspective first.

Len Duvall AM: Yes, let us do the police and then we will get the CPS and see who records what.

DI Gail Granville (Special Enquiry Team, MPS): Yes. It is a very broad question, but the contact with the CPS can be at face-to-face meetings, it can be on the phone and it can be by email. As police officers, we do

take notes and record things and so it would be recorded that you have had the contact, but it may be documented anyway because you would have the emails or what-have-you.

There is nothing set or specific that they must be contacted in a particular way, but the Electoral Commission's guidance makes it very clear that in relation to election offences it must be each police force's SPOC who makes that contact, and it has already been alluded to, there are the two particular specialist lawyers in both parts of country and contact is made with them directly. There are only the two lawyers. We are based in London and so we can meet them face-to-face or by email or we may be submitting formal paperwork.

Len Duvall AM: OK. Is that how it works?

Nick Vamos (Head of Special Crime, CPS): Yes, that is a fairly accurate description. We have two senior specialists, one in York and one in London, but I have more lawyers in my team who will advise and make decisions on election offences. They would be mentored and trained and supervised by the recognised specialists, I suppose. We have succession planning and things. I would not want there to be any concern that there are only two people in the country in the CPS who know anything about this.

The process is fairly organic. Once we are notified of the offence, we register it on our own systems and we allocate it to a lawyer. That lawyer will make contact or contact will already have been established. We will see what advice is being sought or, proactively, what advice we would choose to give at that stage. There is not really a rulebook for this but, obviously, we respect the independence of the police to conduct their investigations and make their own operational decisions, but they will often need help from us to identify what precise offences we may be looking at because that might not be clear from the outset, what elements need to be proved for each offence and therefore what evidence we would suggest they go out and look for. At the end of that process, of course it depends on the complexity of the case as to how long that takes and how many meetings, whether there is a formal submission for early investigative advice, as Commander Cundy referred to earlier, or whether it is more exchanges of emails and face-to-face meetings, which are all noted on both sides.

There is a decision for the police to make at that stage, assisted by our advice, as to whether they think it has crossed the threshold to be referred to us for a formal charging decision. I do not want to get overly legalistic about this, but decisions can be challenged with local appeal procedures or indeed challenged in court and so the identity of the decision-maker is important, but I do not want to get hung up on it because we work very closely. Sometimes the police will decide based on our advice or assisted by our advice that they do not think the threshold is passed and so they will 'no further action' (NFA) it, colloquially, and decide not to refer it, or they will say that they think it's passed and then we will make a decision and we either charge or we do not.

Len Duvall AM: One of these is when you make a decision or come to a view that one of you wants to go forward into a court and then you get into the court and you offer up no evidence. That is in the documentation - you might not have it but the police do - at Appendix A, this famous exchange of letters between MOPAC and the MPS. There is that, which --

Nick Vamos (Head of Special Crime, CPS): Which case is that, sorry?

Len Duvall AM: I do not have a specific case; it is just from statistics. From my view, this looks odd and bizarre. We have had this before in these conversations with the CPS about that.

Nick Vamos (Head of Special Crime, CPS): Yes. There was one case where we ended up offering no evidence because of the health of the defendant. A charging decision was made. We all agreed that there was sufficient evidence and it was in the public interest to continue. Then the public interest factors changed because of, specifically, the health of that defendant and, therefore, no evidence was offered.

Len Duvall AM: That is interesting. Can I just interrupt? How do you balance that the Prevent criteria of election fraud? I would be very sympathetic. Look, I am on the left. I would be concerned about individuals. However, I would also be concerned about threats to democracy and democratic practice. How do you balance that out? Is that a conversation that you take or is that also with the police in determining that? How does that work?

Nick Vamos (Head of Special Crime, CPS): It is a decision for the CPS, but it is one that we would take only in consultation with the police. I do not want to get into a philosophical debate about whether there are victims for election offences; this is just to give you a concrete example from other kinds of cases. If it was an assault or a rape or a theft where there is a victim, obviously, we would always consult the victim as well prior to making that decision.

Public interest factors and public interest decisions are always difficult. In our Code for Crown Prosecutors, it sets out very clearly what factors we would apply and it is always a difficult balancing act.

Len Duvall AM: We do not know the facts of the case but if I could suggest, if it was in an area where there might have been a lot of activity of this nature going on, would it be fair of me to be mildly critical of the authorities if they were not taking that into account? I do not know. It may well be that this is an individual one and it is not in an area where there are some dodgy practices going on. Should I not be critical of that?

Nick Vamos (Head of Special Crime, CPS): If it were the case that we were not taking that into account and we did not factor that into our decision, yes, you should be critical; but that is not what is happening. We factor in the public interest and ensuring the integrity of the democratic system of this country. Part of that would be looking at whether it is prevalent in a particular area.

Len Duvall AM: I do not hold you to account; we only hold MOPAC and the MPS, but it might be worth looking at that case to see if there were some areas where it was a number of practices rather than one.

I just want to go, finally, back to the issues. Leadership is very important to both of your organisations and the quality of investigations. As politicians, we like to think we are consistent and sometimes we are not. Depending on the time of day, I can work at 100% and sometimes I might dip down to 50% or even lower on a bad day. We all strive for consistency and this great thing called the law is meant to be the consistent bit.

Actually, the experiences and some of the things we have heard from both the CPS and the police over many years around this table are sometimes about indecisions, about leadership and about people with different experiences taking a different decision. Yes, it may well be within the law, but is there a factor in some of the cases that other officers or other lawyers might have taken a different view from the one that was reached at the conclusion? How do organisations like the MPS and the CPS handle that to get some consistency in approach and advice not just in these matters but in other matters as well? It might be useful to have an answer from you. How important is that in your checks and balances to come to the right conclusion?

Nick Vamos (Head of Special Crime, CPS): I can deal with it briefly from the CPS perspective. We have rigorous quality assurance of all decision-making in any serious and sensitive cases and election offences are

dealt with in my team, which is the Special Crime and Counterterrorism Division, which reflects the seriousness and the specialist expertise that we think these cases require.

Any decision by a lawyer to charge or not charge goes through a process. Before the decision is made, the lawyer is supervised and has monthly meetings with a unit head. Then the final decision has to be signed off by that unit head and, if it is a particularly sensitive case, it is signed off by me. We have guidance. We have policies. We seek advice from external counsel if we are particularly troubled by a point and we think we need further advice. It is not a case of one person making a decision in isolation.

Having said all of that, of course, lawyers disagree with each other from time to time and different people can reach two perfectly reasonable decisions based on the same set of facts.

Commander Stuart Cundy (Special Enquiry Team, MPS): I would say from the police perspective that, like in any walk of life, you can have two individuals with the same training, background and experience who might look at something in different ways and have different views in terms of outcome.

You are absolutely right about leadership and consistency. The reason we have a small group of detectives investigating these types of crimes is to try to ensure we have the best possible consistency. However, for me, what goes to the very heart of policing is the individuals' discretion operating within the law and making the best possible decisions with the evidence they have. Every allegation will be different. Every case will always need to be looked at on its own merits and its own set of circumstances set within whatever broader context may be there.

For some of the other things we do - and I know you alluded to it earlier in terms of review processes - that is why we have day-to-day review processes through line managers and escalation. Within all police forces and in the MPS in particular, we have dedicated review officers who we can call in for particularly complex or large investigations. We do that as a matter of routine for homicide and other matters.

Robin Merrett (Head of Operational Oversight, MOPAC): Can I just add a series of points about the role of MOPAC? MOPAC is reassured that there are - and it is a big consideration as part of our duty to make sure there are - review processes in place for specific investigations, although we would not seek to influence independence. When we concern ourselves with the area and getting an assessment of what is happening outside elections, what is happening in other crime areas and what is happening in the SET, this is the classic role of the Borough Commander here as a focal point and contact point for the whole Borough, one Senior Leader accountable for that one area, who can engage with partners, find out what is going on and take an overall impression of what is happening. Clearly, for serious matters, we are reassured that there is a process in place within the MPS so that when a serious matter of this nature happens, there is a Gold Group structure to ensure that these actions are overseen at the very highest level of the service.

Len Duvall AM: There is just one little question, just to seek clarification. In terms of some of the activities when they have been convicted in Slough and Woking, there was an issue that one of the charges was conspiracy to defraud the Returning Officer, which we understand is not time-limited under the Representation of the People Act. Is that correct?

Nick Vamos (Head of Special Crime, CPS): That is correct. Conspiracy to defraud is not time-limited.

Andrew Dismore AM: When I asked you about conspiracies earlier on --

Caroline Pidgeon MBE AM: You could use that, yes?

Len Duvall AM: Do the police accept that? It is the law, is it not?

Commander Stuart Cundy (Special Enquiry Team, MPS): Yes, absolutely. It is not time-limited, no.

Nick Vamos (Head of Special Crime, CPS): It is not quite as straightforward, though, as that.

Len Duvall AM: All right.

Andrew Dismore AM: I did ask about conspiracy earlier on, did I not?

Nick Vamos (Head of Special Crime, CPS): I answered your question, Mr Dismore. This is a different question. It is not time-limited. That is not to say that it is a simple substitute charge that you could use. There have been first-instance decisions - not appeal court decisions but first-instance decisions in the Crown Court - to say that it is an abuse of process of the court to bring a conspiracy to defraud charge when you are out of time on the Representation of the People Act charge. Every case is different and they all depend on their own facts, but it is not a simple case of saying, "I cannot bring that charge. I will use conspiracy to defraud instead".

Len Duvall AM: You can bring in a balance of activities and consistent actions that could make a difference in bringing a charge like that to persuade the courts that the reason why you are doing that is because there is a history of activity?

Nick Vamos (Head of Special Crime, CPS): In theory, yes. Just to pick up on something you said earlier, Mr Duvall, I do not mean to be glib but you cannot prosecute an atmosphere. You have to prosecute individuals for specific conduct --

Len Duvall AM: I understand that.

Nick Vamos (Head of Special Crime, CPS): -- that you can prove to a criminal standard. That is always the challenge.

Steve O'Connell AM (Chairman): OK. We get that. Happy with that?

Caroline Pidgeon MBE AM: Yes, that was very helpful.

Steve O'Connell AM (Chairman): All right. We now need to move on because we have guests waiting very patiently up there. Thank you very much.

Police and Crime Committee - Thursday, 9 February 2017
Transcript of Item 7 - Tackling Allegations of Electoral Fraud and Malpractice –
Part Two

Steve O’Connell AM (Chairman): Can I welcome our other invited guests? Thank you so much for your patience in bearing with us for the first session.

First of all, we have Sir Ken Knight CBE QFSM, Tower Hamlets Commissioner; Mayor John Biggs, my old comrade --

Caroline Pidgeon MBE AM: And the Mayor of Tower Hamlets.

Steve O’Connell AM (Chairman): -- Councillor Peter Golds CBE, a Tower Hamlets councillor; and Francis Hoar, Barrister, Field Court Chambers.

We are now going to address a case study. I am bound just to read out the statement, if you do not mind bearing with me. Before we begin the discussion, I would like to say:

“There is an important role for the Tower Hamlets Commissioners who have powers to appoint persons to, and remove persons from, the statutory offices of Electoral Registration Officer and Returning Officer. It will be important for the Committee to hear about the work done by the Commissioners to ensure that the election process in Tower Hamlets can now command public confidence, particularly as the Government looks to hand control back to the local authority in March 2017.

I would like to remind the Committee that the decisions of the Elections Commissioner, sitting as a High Court judge, are a matter of public record and can be referred to as such. If there are, however, further allegations of election fraud or malpractice about which determinations have not been made, this is not the appropriate place to hear them.

I must emphasise that the Police and Crime Committee is not tasked to investigate specific cases and/or allegations, but is expected instead to scrutinise the policies and procedures under which such matters are or are not investigated. Therefore, as Chairman, I will need to prevent the discussion going into areas which are not within the Committee’s remit.”

I was instructed to read that and it was appropriate to do so for this second part of the morning. Again, can I thank the guests for attending this morning?

The next set of questions, which is around the Tower Hamlets case study, is going to be led by Andrew.

Andrew Dismore AM: This is a question for Mr Cundy. According to your data, there were 164 allegations of electoral fraud related to Tower Hamlets in the run-up to the elections and, quote, “every allegation reported to the police was recorded and investigated” and “advice was sought at various stages from the CPS”. That is what you have told us.

Can you tell us now what the investigation of each of those allegations consisted of and, as you do so, can you tell us when timewise each of those steps took place?

Commander Stuart Cundy (Special Enquiry Team, MPS): Of course, the 164 allegations you referred to are all allegations connected to the elections in 2014.

Andrew Dismore AM: The 2014 mayoral elections, yes.

Commander Stuart Cundy (Special Enquiry Team, MPS): Some were reported in advance of the election date, some on the election date and some subsequent to the election date. I could not sit here and say, "There were 164 investigations and they all occurred like this", but I can talk about some general principles to that.

In fact, there were 208 allegations across London on that day and 164 pertained to Tower Hamlets. In terms of the nature of those allegations, if I talk about the Tower Hamlets cases, 47 of those allegations were about undue influence or intimidation at polling stations - if I do the top three - 27 referred to tampering with postal ballots and 17 related to 'ghost' voters. As we described earlier, each of those allegations would have its own investigation and, yes, each one was recorded and then each one would be investigated particular to the nature of the allegation itself.

Obviously, it is not appropriate to talk about individual cases but it might assist if I describe some of the investigations from an anonymised perspective to explain the types of investigative activity that would be undertaken. If I talk about an impersonation offence, for those types of allegations, some of the first steps that we would undertake would be [to identify] what we have about any named individuals both from our police intelligence systems and from crime reporting systems; we would make contact with the local authority - with Tower Hamlets - to identify what it has and to identify what documentary evidence exists, which you alluded to much earlier.

Then each case may follow a different path. We have one case - without going into the name of the individual - where we were able to identify that the individual who originally the information was about was not in this country when the election occurred. We were able to establish through that person who the potential suspect is and, in fact, we were able to prove that they were indeed in London at that time of the election and not abroad, as was first considered.

Some individuals within those impersonation offences were interviewed under caution and they were identified through those interviews as to what they have to say for the events pertaining to them. Of course, that is going to be very case-specific.

What we did find, as alluded to earlier in terms of some communities that we have, in some of our investigations, with English not being a first language, some individuals have misunderstood some of the rules. Indeed, one of those impersonation offences did result in a caution, having consulted with the CPS.

In terms of imprints, again, as DI Granville referred to earlier, we take those initial steps. What is the material? We will seize that material. We will identify whether there are offences within it and, if the imprint is not as it should be, then we will investigate by going through to the printers. We will make inquiries with the printers of the leaflet or whatever the material may be and establish from them who commissioned it. Then we will go back to the individual who did commission it and make inquiries of them. If there have been problems with it and if the imprint is not correct, then that is the consultation with the CPS. We will identify whether it is sufficient to justify a criminal prosecution and that is going to be very case-specific, each one according to its merits.

I touched on residency earlier, which is undoubtedly a challenge for us from an investigative point of view. As part of the investigation into that, it is trying to define what 'residency' means within the bounds of the law and it is not a strict definition that says, "If you tick these three criteria, it is evidence". As you will be aware, an individual can have two addresses and, provided they vote only once from one address, then they have not broken the law around it.

With the cases where residency is an issue, as the MPS - and indeed some of our inquiries took us beyond London to other forces - we will make inquiries at each address and establish the circumstances within that. We will speak to the individual involved and try to establish through them and through documentary evidence - and documentary evidence can be much more powerful than witness testimony when it comes to this - the connection to that address and the residency around it. We will use everything from bank bills and driving licences to what is on registers, etc. We know from a police perspective - again, not unique to London - that sometimes with multiple registrations of voters, the purpose is often not for electoral fraud but for other fraud purposes. We see that through other fraud investigations, which, clearly, we can be very mindful of.

We had other investigations in relation to multiple voting. Again, it is a similar process. It is the work that we will do from the police in conjunction with Tower Hamlets as the local authority. In one of the cases around multiple voting, as you referred to earlier, there can be certain circumstances where we can secure court orders to go beyond the secrecy of the ballot box. In some of our investigations, one investigation in particular, that is exactly what we did. We pursued the investigation as far as we could possibly and reasonably go, which did include securing a County Court order to go back to the original ballots. Our officers then spent a whole day trying to find the individual ballot paper that was required for that particular investigation. I am just trying to explain the lengths that we will go to. Once the ballot paper is identified, we would then submit it for forensic examination to identify if we can get fingerprints from it, which of course is an ideal aspect of evidence for us.

All the way through that process, as you have heard, we will be engaging and liaising with the CPS. It will give us advice around steps that we may not have considered ourselves. It goes back to the SET. The officers there are specialist investigators; they are not specialist lawyers. The specialist lawyers sit within the CPS, which is why we engage, we consult and we get the advice from them.

Of those 164, there were investigations that were conducted and you have in the material that has been provided through to the Deputy Mayor [for Policing and Crime] the outcomes of those. When it comes to an outcome decision, we will always consult with the CPS. The charging decision is a matter for the CPS but, again, with its advice, there were a number of individuals who received warning letters or words of advice from us as the police in addition to the charging of one individual and the cautioning of two other individuals.

Andrew Dismore AM: What is the timetable for these investigations?

Commander Stuart Cundy (Special Enquiry Team, MPS): Of the investigations, some would have commenced before election day in May 2014 and others would have commenced on the day and then subsequently.

Andrew Dismore AM: How many witnesses did you interview?

Commander Stuart Cundy (Special Enquiry Team, MPS): Gail, can you help with this one?

DI Gail Granville (Special Enquiry Team, MPS): I do not have the figures for 2014, but I know that in the review in 2015 we interviewed in excess of 70 witnesses.

Andrew Dismore AM: You do not know how many you did in 2014?

DI Gail Granville (Special Enquiry Team, MPS): I do not have that. I would not like to mislead you but --

Andrew Dismore AM: You do have that record, presumably --

Commander Stuart Cundy (Special Enquiry Team, MPS): We have that record, yes.

Andrew Dismore AM: -- back at the office? All right. You could let us have that figure?

Commander Stuart Cundy (Special Enquiry Team, MPS): Yes. Every single one of those 164 allegations received an investigation. Some would have been much more comprehensive than others by the very nature of what they were and the serious nature of the offences.

Andrew Dismore AM: We then come to the Election Court. Judge [Richard] Mawrey QC gave his judgment on 23 April 2015. He said, not very pleasantly about the MPS:

"... an unkind person might remark that the policemen and polling staff had appeared to take as their role models the legendary Three Wise Monkeys."

What do you say to that?

Commander Stuart Cundy (Special Enquiry Team, MPS): That was very particular to what was occurring at polling stations and in the preceding paragraphs of the judgment he refers to, in essence, what were two halves in terms of describing the events that occurred. As you said, it did not refer to just the MPS. It also referred to the polling staff on the day as well. We had officers at each of those polling stations. I know we were talking in general terms earlier. It is a phrase that Judge Mawrey gave us and the Commissioner [of Police of the Metropolis] was before you in May 2015 and it is on public record the letter that Judge Mawrey wrote to the Commissioner with his views of the MPS in that his judgment was not intended to criticise the MPS's response.

I do accept - and it is back to what we were discussing earlier - that the role of police officers at polling stations does need them to be aware of electoral offence matters and to understand what steps they can take. I know how I would have been as a young police officer standing at a polling station where my only experience was going in to vote myself and thinking, "If I do something, am I going to be judged for trying to impede free and fair elections?"

That is why, particularly when it comes to Tower Hamlets, the work that we have done with the local authority and the joint training between our officers and the polling station staff to try to prevent that type of activity and make clear what the individual roles can be.

Andrew Dismore AM: We also have a memorandum from Mr Erlam [Andrew Erlam, Electoral Petitioner in Tower Hamlets] of 11 January this year [2017] and he said that six days before the Election Court case, the police tried to arrest him as a suspect for seeking to pervert the course of justice, although they later admitted that there was never a complaint, not even a bogus one, about this. What was all that about?

Commander Stuart Cundy (Special Enquiry Team, MPS): It would be highly inappropriate for me to talk about an individual investigation around any person. What I can say for the record is that Mr Erlam has not been charged or convicted in relation to any offence relating to these matters.

Andrew Dismore AM: We then come to the Election Court. After the Election Court's judgment - and it is not a report; it is a judgment --

Commander Stuart Cundy (Special Enquiry Team, MPS): A judgment, yes.

Andrew Dismore AM: -- what happened next? You sought the extension to the time limit. What happened after that?

Commander Stuart Cundy (Special Enquiry Team, MPS): Nick Vamos can articulate it much clearer than I. Within the Representation of the People Act, the Director of Public Prosecutions (DPP) can refer offences to the police to investigate. His Honour Judge Mawrey within his judgment or indeed in court did not make any direct referrals to us as the MPS or to the DPP. We did not receive any referral from the DPP for any matters to investigate, but - and I know that many might not agree with this statement - we as the MPS fully understood the serious nature of all of the offences and all of the allegations that were pertaining to Tower Hamlets.

We did a review of that 200-page judgment to identify if there were new offences or, indeed, if there was evidence in there of which we had previously been unaware. That was a review process. Going back to what Mr Duvall was asking earlier about review processes, that was a critical point in time. As part of our ongoing investigation, we identified that with the time limitations, we would need to get an extension, which we did. We brought in a new Detective Superintendent and a new investigation team, who were not involved in the original investigations before the Election Court judgment.

We identified five new offences or five new allegations. One of those was technically out of time but we investigated it anyway. We also identified - sorry, I am just referring to this to make sure I get the right figure - 47 cases that we had previously had reported to us and had investigated, which in reality related to polling stations where we considered there might be potential new evidence. We then, as the MPS, commenced another investigation - or reinvestigation, depending on whether it was a new offence or one of the other matters - and then we went back again. In terms of the five new offences, I mentioned one that was out of time but we still investigated it, nonetheless, to see if we could identify any other potential offences and the other four offences, which included an allegation of perjury. Each of those was individually investigated by new officers now connected with the investigation, as I explained, and out of the 47 cases that were re-examined/reinvestigated, we made enquiries in relation to every single one of those. There were 36 potential witnesses pertaining to those 47 cases and 29 of those were willing to speak to us. None of those new enquiries established new evidence that would enable us to go for a charging decision to the CPS. What we did with those post-judgment investigations, new or reinvestigations, was close consultation and getting advice from the CPS along the way, all the way through them, in terms of making the best informed decisions.

Andrew Dismore AM: I think you spoke to 70 witnesses. How many statements did you take?

Commander Stuart Cundy (Special Enquiry Team, MPS): As I alluded to earlier, what we did encounter was there were a number of witnesses who gave evidence within the election court who were unwilling to give statements to the police as part of a criminal investigation.

Andrew Dismore AM: But how many statements did you take?

Commander Stuart Cundy (Special Enquiry Team, MPS): I can get that figure for you if you wish, Mr Dismore. We can provide it.

Andrew Dismore AM: I think that would be helpful.

Andrew Dismore AM: Again, going back to the memo from Mr [Andy] Erlam. He says in June 2015 he personally delivered two files of evidence of fraud in Tower Hamlets to the Commissioner, New Scotland Yard, together with the names of about 20 witnesses prepared to help the police with any enquiries. He says:

"I have never heard from the police neither have the witnesses to my knowledge."

What happened to those files that he identified?

Commander Stuart Cundy (Special Enquiry Team, MPS): I have before me the documentation that Mr Erlam provided, which included a list of 17 witnesses. We spoke to every single one of those 17 and in fact identified another potential witness to the matters that he related to us. Some of those witnesses were unaware their names were being put forward via Mr Erlam but every single one of those was spoken to.

Francis Hoar (Barrister, Field Court Chambers): In response to that answer by the Commissioner, I note that the Commissioner did not mention in the 160 additional offences that were identified in the judgment electoral expenses offences. The Commissioner will be aware that the petition, which I presented to the election court, did not allege election expenses and could not have been amended to allege them. Nevertheless, it is of note - and the Commissioner should note and will be aware from the judgment - that at paragraph 533 Commissioner [Richard] Mawrey [Deputy High Court Judge] notes that the guest of honour at a meeting at the Jagroto rally hosted by an organisation called Jagroto at the Water Lily on 4 May 2014, the guest of honour was Mr Rahman [former mayor of Tower Hamlets]. The event was avowedly a political rally in his support. There were videos of that meeting presented before the election court. In addition, there was a Facebook reference to a speech by one of the people there heavily in support of Mr Rahman who was cross-examined and accepted that he had given this speech which was supporting Mr Rahman's re-election.

At 3,394 of the transcript, 5 March 2015 - something which was referred to in my submissions to the Commissioner - the manager of the Water Lily gave evidence that the usual rate for two hours was £750, £350 were paid by Jagroto. Councillor Golds in May, shortly after this meeting --

Andrew Dismore AM: Can I interrupt you? Remember, we are not sitting in judgment and you heard my earlier statement.

Francis Hoar (Barrister, Field Court Chambers): No, I understand that, but the point I am making is this is evidence of an offence which was within time at the date of the judgment. In addition, I understand that all Representation of the People Act 1951 (RPA) offences were given the extension by the Magistrates' Court before the expiry. I think that is right, is it, Commander or was it in relation to specific offences?

DI Gail Granville (Special Enquiry Team (Metropolitan Police Service): It was in relation to specific offences.

Francis Hoar (Barrister, Field Court Chambers): In any event, the date of the judgment was well before - one year - after the election returns were returned. That meeting was not declared, so that is one piece of evidence potentially of an election expense non-declaration which could have been prosecuted.

Commander Stuart Cundy (Special Enquiry Team, MPS): If I may, Chair, on that point?

Steve O'Connell AM (Chairman): Yes. I would rather you did not have conversations across but do you want to respond?

Commander Stuart Cundy (Special Enquiry Team, MPS): Yes.

Francis Hoar (Barrister, Field Court Chambers): Right, but something that did not feature in those offences that were supposed to be --

Steve O'Connell AM (Chairman): We understand the context.

Commander Stuart Cundy (Special Enquiry Team, MPS): Without going into individual investigation, so the MPS was not a party to the election court. The DPP had a lawyer within court to listen to the evidence so the MPS was not sitting there listening to that evidence. Therefore, we did not get any allegations referred to us to investigate ultimately via the DPP from within that hearing.

Steve O'Connell AM (Chairman): We do have a set of questions about burden of proof.

Len Duvall AM: It begs the question then, did your review throw that up? Did your review throw up that --

DI Gail Granville (Special Enquiry Team (Metropolitan Police Service): I can say that the event at the Jagroto was one of the new offences that we did investigate.

Commander Stuart Cundy (Special Enquiry Team, MPS): I think for the record - because the judgment is a public record as we know - so the five offences which I referred to within the judgment were in relation to 37 Cavell Street. The cases that have just been referred to by Mr Hoar and DI Granville one related to a false statement of fact as to candidate. That was the one that was out of time but we investigated nonetheless and then in relation to the polling stations that I talked about. There were three allegations relating to undue influence and the perjury allegation I mentioned as well.

Andrew Dismore AM: We will go into some of the details of this later on and probably go more into Mr Gold's memorandum shortly, but can I follow the timeline? You have done this further review. Why, despite the election court's findings, and your subsequent investigations and all of the things you were doing, were you not able to secure the prosecution of any of the respondents to the petition? Bearing in mind we can also look at the issue of conspiracy, for example, which I referred to earlier on and we have had this exchange about that with Mr Duvall as well.

Commander Stuart Cundy (Special Enquiry Team, MPS): Mr Dismore, we can only go where the evidence takes us.

Andrew Dismore AM: Yes.

Commander Stuart Cundy (Special Enquiry Team, MPS): These were comprehensive investigations, as I alluded to, some getting County Court orders to go and secure particular votes that were cast on the day. I know the difference in procedural rules between an election court has been talked about. That is primarily a civil hearing where the judge is sitting there and, as Judge Mawrey explained in his judgment himself early on in the judgment. Therefore, he has an inquisitorial function, I think - as he describes it - some way between a civil court judge and a coroner. From a criminal investigation perspective, the rules are quite different. I talked about hearsay earlier this morning. That is just one aspect of it and, of course, we must prove beyond reasonable doubt --

Andrew Dismore AM: Yes, he is working to the standard of proof but he can take hearsay evidence. You cannot take hearsay evidence?

Commander Stuart Cundy (Special Enquiry Team, MPS): I think hearsay evidence is one element. It is not the only element within it.

Andrew Dismore AM: OK. You are saying there was insufficient evidence to put before the CPS to found a prosecution, or did you put the evidence to the CPS and they decided there was insufficient evidence?

Commander Stuart Cundy (Special Enquiry Team, MPS): We talked about it earlier in general terms and I talked about case specific. For these allegations there was ongoing engagement with the CPS, right from the very start with the investigations, as was described earlier, which is regular contact. Individual files for a charging decision were very few because getting to that point, the CPS would know all about cases before it got to that point in the first place.

As I described earlier, it is not like a police investigation into a theft where you will put one file in on the case. If we think it passes the threshold test in relation to a charging decision then the CPS will do the test for it to go to the Crown prosecutors.

Sorry, I have lost track of what your original question was, Mr Dismore.

Andrew Dismore AM: The question is: why no prosecution and was that decision taken by you or by the CPS?

Commander Stuart Cundy (Special Enquiry Team, MPS): The decision to prosecute would be for the CPS. [In relation to] the decision for a lot of these individual cases - as was explained earlier - there always needs to be clarity. It is a police decision, if we do not consider there is enough evidence to pass that threshold test.

Andrew Dismore AM: OK. If we follow through the timetable, there is then a hearing before the Lord Justices on appeal from Mr Rahman. Then in July 2016 there is a meeting with Assistant Commissioner (AC) [Helen] King [MPS] attended by Mayor Biggs, the Chief Executive, Mr Golds, three Commissioners - presumably that includes you, Sir Ken [Knight CBE], DI Granville and Mr Vamos. What was that about?

Commander Stuart Cundy (Special Enquiry Team, MPS): That was a meeting literally as you have articulated. In March of that year - looking at my timeline - following the advice that we had received as the police from the CPS, from a meeting we had with them on 18 February 2016, on 16 March 2016 the MPS put out its press statement. That made it clear that - following a review of the judgment and the re-investigations - no individual was to be charged. That meeting in July [2016] was with those individuals, as you have just described them, to endeavour to explain what the MPS had done as part of the investigations and the reasons the decision had been made.

Andrew Dismore AM: Why were the petitioners not invited?

Commander Stuart Cundy (Special Enquiry Team, MPS): I cannot say personally why the petitioners were not invited to that. Mr Erlam, as you have read out and stated, he was under investigation.

Andrew Dismore AM: There was an investigation in July 2016?

Commander Stuart Cundy (Special Enquiry Team, MPS): Mr Erlam has said that he was under investigation. The petitioners were not at that meeting so, in terms of the review process, as the new Chief Officer now with responsibility for electoral fraud matters in London, I think one of the things that has not gone well from the MPS's perspective is to try to explain - as you have just asked me the question - the whole process and why the outcome is what it is. I think we could have done more and should have done more in terms of engaging with the four petitioners before and after that judgment.

Andrew Dismore AM: OK. Mr Vamos, do you want to add anything? Have you read the judgment yet, Mr Vamos?

Nick Vamos (Head of Special Crime (Crown Prosecution Service): I am very glad you asked me that, Mr Dismore, because Mr Golds has very fairly set out the correspondence that he and I had in his letter, which I have only just seen today. The specialist prosecutor who advised the MPS throughout this process, not only read all of the judgment. She received daily transcripts and regular reports from the counsel who we instructed to attend the petition.

What I said, which I volunteered at the meeting in July - contrary to what Mr Erlam seeks to suggest in his letter that has been somehow winkled out of the CPS - is that in advance of that meeting, although I had not read the whole judgment, I had been fully briefed by the specialist prosecutor. That is the explanation for that comment and I am grateful to Mr Golds for setting out the correspondence in full. I did not think it was such a big issue but obviously it has been misinterpreted since I said it.

Andrew Dismore AM: OK. The purpose of that meeting in July 2016, presided over by AC King, was to try to convince everybody else that you had done your job right. Is that it?

Nick Vamos (Head of Special Crime (Crown Prosecution Service): Those are probably your words rather than mine, Mr Dismore, but it was part of that engagement with some of the critical stakeholders connected to the case study that we are talking about today.

Andrew Dismore AM: Do you think you got the message over?

Nick Vamos (Head of Special Crime (Crown Prosecution Service): No, I do not. As I said a few moments ago, talking about a fresh pair of eyes, you come into this, as I did, with a fresh pair of eyes very much post event. I think there are some things that we could have done much better in terms of that communication and engagement with a number of different individuals.

Andrew Dismore AM: As far as the enquiry is concerned, obviously there are a lot of criticisms in Mr Golds' memorandum, which pre-date 2014. He refers to specific officers, though not by name. I am sure Mr Golds would give you the names if requested, should you wish to follow those up.

Mayor John Biggs (Tower Hamlets Executive Mayor): I want to record that I think all of us came away from that meeting rather confused and frustrated that the record of actions, from the prosecution and those of the CPS, did not seem to coincide with each other. AC King was very clear that the MPS had passed all sorts of information and recommendations in conversation with the CPS. The CPS did not seem to have the same recollection of what had happened. It left us wondering what had actually happened with the case.

Nick Vamos (Head of Special Crime (Crown Prosecution Service): Can I come in on that, please?

Andrew Dismore AM: Yes.

Nick Vamos (Head of Special Crime (Crown Prosecution Service): There obviously is confusion over this and I think - well, I would say - it is a red herring but I think it is very easy to clear it up and it is really what Commander Cundy and I have been saying from the start. That the CPS and the MPS worked side by side in these investigations. Although from a legal perspective it is important to identify the decision-maker, in terms of then whether that decision can be challenged. We agreed with the MPS's decision not to refer the files to us and it was informed by the advice that we had given them throughout.

If Assistant Commissioner King and I did not explain that satisfactorily at the meeting in July, then I hope Commander Cundy and I have done that today, and in subsequent correspondence I hope we have tried to make that absolutely clear.

Unmesh Desai AM (Deputy Chair): I think it is really important to clarify this point because on Budget day the press office of Scotland Yard issued a press release basically saying that, after full consultation with the CPS, a decision had been made that there was insufficient evidence that criminal offences had been committed. Jim Fitzpatrick [MP], Poplar & Limehouse, was told by the CPS - and I do not know who within the CPS, I should have found out - that they had never seen the file.

Nick Vamos (Head of Special Crime (Crown Prosecution Service): Right. It is important to be precise about the terms we are referring to here. As Commander Cundy said I think at some point during the first session, when we talk about a full file being received from the police that is a term of art referring to a file of evidence that the police have decided discloses a realistic prospect of conviction and they are referring it to the CPS for a charging decision, so at that point the responsibility for the decision passes to us. We apply the code for Crown Prosecutors and we make that decision.

I do not know who said that. I am not quite sure where it is from. I am very happy to look at it.

Unmesh Desai AM (Deputy Chair): I shall certainly provide you with that information.

Nick Vamos (Head of Special Crime (Crown Prosecution Service): Yes.

Unmesh Desai AM (Deputy Chair): "Term of art" that is an interesting phrase. You just used the phrase "term of art". What does that mean?

Nick Vamos (Head of Special Crime (Crown Prosecution Service): I am trying to define for you what we mean by a file in that context. It means very specifically a file of evidence, which the police have assessed discloses a reasonable prospect of conviction that they are then passing to us for us to make a charging decision. We did not receive a file in that sense because the police had already decided not to refer. That is not the same as saying we did not ever see any evidence. We did not have exchanges of correspondence. We did not discuss endlessly and frequently the evidence in this investigation.

Andrew Dismore AM: In the end, therefore, it was the police's decision not to prosecute?

Nick Vamos (Head of Special Crime (Crown Prosecution Service): Yes, correct.

Unmesh Desai AM (Deputy Chair): You acted --

Nick Vamos (Head of Special Crime (Crown Prosecution Service)): -- on the police's decision not to refer a file to the CPS for us to make a decision.

Andrew Dismore AM: De facto, as far as the public is concerned, that means the police made the decision that this was not going to go anywhere. Let us put it like that.

Nick Vamos (Head of Special Crime (Crown Prosecution Service)): Yes.

Unmesh Desai AM (Deputy Chair): Can I put this that you acted on the police's assessment of the situation?

Nick Vamos (Head of Special Crime (Crown Prosecution Service)): No, we did not have to act because --

Unmesh Desai AM (Deputy Chair): Failed to act, rather.

Nick Vamos (Head of Special Crime (Crown Prosecution Service)): No, we did not have to. It never got to that. That is the point. Ultimately, it was the police who made the decision that this is not going to go to the CPS for a prosecution. The decision about all of this was made by the police.

Steve O'Connell AM (Chairman): That is a clear point that we have just gauged now. We do have a set of questions about burden of proof but, Tony, did you want to come in briefly?

Tony Arbour AM: Yes, precisely on that point. This is the first time we have heard about the continuous conversations between the police and the CPS. One of the catalysts for this meeting was when we had the Deputy [Commissioner] here we also had a letter from the Commissioners referring to the fact that the police had not referred the matter to the CPS. The Deputy said that he believed he understood that the matter had been referred by the police to the CPS. Subsequently, I think in Parliament [Sir] Eric Pickles asked the same question and there appeared to be a similar dispute. It is clear, is it not, that in this case the police and the CPS were one?

Nick Vamos (Head of Special Crime (Crown Prosecution Service)): As I have already said, we agreed with the decision that the police made and it was informed by the advice that we gave them. I have said that on previous occasions and I said that at the meeting in July.

Tony Arbour AM: Are you telling us that what happened was the police came along and said, "Do you agree that we do not have sufficient matters for you to take the matter any further?" Is that what happened?

Nick Vamos (Head of Special Crime (Crown Prosecution Service)): No.

Tony Arbour AM: Then how did you come to this agreement? Are you saying the police did not come to you with any kind of recommendation at all? They said, "Here are the papers, Mr Vamos. Do you agree with us that it should not go any further?"

Nick Vamos (Head of Special Crime (Crown Prosecution Service)): No, we came to it in precisely the way that I have described on several occasions already this morning.

Tony Arbour AM: They asked for your advice and you gave them advice and in the end they decided not to send you a file for a decision?

Nick Vamos (Head of Special Crime (Crown Prosecution Service)): I think that is a fair summary but I would not want to speak for Commander Cundy.

Steve O'Connell AM (Chairman): I think that is quite clear although, Commander Cundy, briefly - because we are moving on to burden - is that fair? Just your confirmation: is that a fair analysis? You were in discussion with Mr Vamos or whoever. The CPS were giving you advice and, on the basis of the advice and the discussions you had with the CPS, you - the MPS - decided not to refer a formal file to the CPS for a prosecution decision?

Commander Stuart Cundy (Special Enquiry Team, MPS): In the majority of cases, yes.

Unmesh Desai AM (Deputy Chair): Just one more question. Commander Cundy, you talked about - and this is also in the appendix to the letter that you sent to the Deputy Mayor [for Policing and Crime] - someone being cautioned for impersonation.

Commander Stuart Cundy (Special Enquiry Team, MPS): Yes, if I just get that document up if I may.

Unmesh Desai AM (Deputy Chair): This is one of the most serious issues that could undermine confidence in the democratic process; a matter of this nature. When was the decision to issue a caution made? Was it done at police level, because inspectors cannot raise a caution?

Commander Stuart Cundy (Special Enquiry Team, MPS): To be really clear, the decision to give a caution is only made after consultation with the CPS.

Unmesh Desai AM (Deputy Chair): Right. I know that each case varies in specifics. You have to look at the age of the offender, the first time offenders, there is a code for Crown Prosecutors and there is also reference to whether a police caution should be issued or not issued or whether there should be a full-scale charge.

Commander Stuart Cundy (Special Enquiry Team, MPS): Yes.

Unmesh Desai AM (Deputy Chair): A matter of this nature - impersonation - is one of the most serious offences that undermine confidence in the whole democratic process. Why a caution? Why not a charge?

Commander Stuart Cundy (Special Enquiry Team, MPS): If you are talking about an individual case then you need to ask that of the CPS, because that is a decision that comes from the CPS to us. There are other investigations within the ones that we have referred to where individuals receive warning letters or word advice, which is below the level of a caution.

Unmesh Desai AM (Deputy Chair): This one case alone for me illustrates exactly what has gone wrong with this whole sorry saga.

Steve O'Connell AM (Chairman): We are now moving on to a set of questions particularly around the point, which is around burden of proof.

Unmesh Desai AM (Deputy Chair): A question to Peter and to John. Can you tell us about your experiences of making a complaint to the MPS about electoral fraud?

Mayor John Biggs (Tower Hamlets Executive Mayor): I personally have not taken a complaint to the MPS about electoral fraud. I felt because of my role as a candidate and, arguably, a competitor with Mr Rahman and others, it was not really appropriate for me. One of the problems with the electoral accusations is sometimes they are a proxy battle that should be fought through the electoral process, so I kept out of that but I have observed the process very closely.

Unmesh Desai AM (Deputy Chair): You may not have made a specific complaint, John, but --

Mayor John Biggs (Tower Hamlets Executive Mayor): OK. I am a man with several hats on, I suppose, and one of them is I am the properly elected Executive Mayor of Tower Hamlets. I know that there is a lot of anxiety in Tower Hamlets. That people feel that there has not been a proper closure of this matter. An example of that would be what we perceive to be the confusion between the CPS and the MPS about who said what and who decided things should be progressed, the feeling that the electoral court judge was very unequivocal in his findings, and yet nobody seems to be held to account on a personal level through the criminal justice system. I suppose I am expressing - on behalf of a lot of my constituents - the frustration about that and a feeling that it was not taken assiduously and seriously. I am interested to hear today about how many people were questioned. I have spent quite a lot of time thinking about this. If you think, for example, of postal vote fraud, the Electoral Court judge found that in his view there had been such fraud. That does not mean that he could identify individuals, and people might be interested to know what efforts were made to try to identify individuals who might have carried out that activity.

We are all aware of people who might have been expected to be questioned about this, including people who felt they had evidence about it, very few of whom seem to have been asked to give statements.

Unmesh Desai AM (Deputy Chair): In fact, before I bring Peter in, can I put that question to you then, Commander? There are many people - as we have just heard from John and from correspondence that we have had from various parties - who wanted to be interviewed. Why were so few then interviewed?

Commander Stuart Cundy (Special Enquiry Team, MPS): I do not agree with the statement that so few, if any, were interviewed. A lot of people were interviewed as part of the overall investigations, both before the electoral judgment and, indeed, afterwards as well. I want to speak to Mayor Biggs and others outside of this around particular individuals. As I said, there were some individuals who gave evidence to the petition hearing who we approached to speak to us about information that they had. Some of those refused to speak to us. Some of those did speak to us but would not give a statement for criminal investigation purposes.

Francis Hoar (Barrister, Field Court Chambers): This is relevant to this issue because it concerns evidence. A lot of what the MPS has said in the past about this issue has been relating to hearsay and a lot of evidence was given by hearsay, which was eligible. Of course, there is a large body of hearsay evidence that has always been admissible in the criminal courts, even before the 2003 Criminal Justice Act, which includes business hearsay and that includes, for example, grants; grants that were given and the decisions that were made, meetings that were held and so on.

If you look in the judgment - which of course the MPS has studied assiduously, I am sure - between paragraphs 460 and 525, the Commissioner goes through in great detail evidence, most of which is evidence that is business hearsay, which would be admissible in a criminal court, about the grant process. He also analyses in detail the evidence given by witness Deborah Cohen, an officer in Tower Hamlets, who he believed and who gave evidence of two meetings. The Mayor, Lutfur Rahman, and his agent, who was at that time in charge of the finances in Tower Hamlets, denied these meetings took place. He goes through the

documentary evidence that she gave of those meetings, notes taken contemporaneously and notes taken on the next day in a meeting with her manager, and he said at paragraph 479:

“Having heard the evidence of Ms Cohen, Mr Rahman, Mr Assad and Mr Choudhury on these incidents, I have not the slightest doubt that Ms Cohen was telling the truth and that the three men were quite deliberately lying.”

That raises an additional issue of perjury of course, which is definitely something that was referred to the police. I know for a fact it was referred to [DI] Gail Granville. I also know that Ms Cohen was spoken to by the police. No proceedings have been instituted on that.

I note also that the Commander has said in all those new offences that were brought to the attention of the MPS through this judgment, has not mentioned the offence of bribery. Of course, Lutfur Rahman was found guilty of the electoral offence of bribery and, in the judgment, the Commissioner also noted that the 2010 Act Offence of Bribery would also have been met by the evidence that he assessed and found proven to the criminal standard. It is not for me to question the Commander but it might be that Members of the Assembly might want to ask questions about that.

Commander Stuart Cundy (Special Enquiry Team, MPS): Chair, I am willing to respond to that.

Steve O’Connell AM (Chairman): We are quite capable of framing our own questions but that was most instructive.

Councillor Peter Golds CBE (Tower Hamlets): There are a number of observations here, and I should declare one particular interest. I was very pleased when I heard Assembly Member Dismore earlier this morning, having been a former qualified agent. Certainly Mr O’Connell and Mr Arbour and Mr Prince know that I have been an agent, both professionally and voluntarily. I was a professional constituency agent for 17 years. I know how to fill in a form of election return.

There are a couple of things before I move on where we have heard - and I have to say, Commander Cundy, a slight movement of the actuality. You have said that on a nomination paper we have to test residence. Actually, the nomination paper at the top says - and Mr Dismore will know - “Home address in full”; not residency, home address.

There is case law on this. I was approached by one of your officers - on one of the only two occasions I have ever been asked for a statement - who spoke to me at great length and said, “I do not understand the law on this”, so I wrote him the case law. He then investigated the person we were talking about and produced a letter, which I think reduced the election court to hysterical laughter because here it is and on the [letter to the] fraudster he could not put his address on because, of course, if he put his real address on it would have confirmed it and if he had put his false address on it would have done something. He actually wrote to a fraudster without his address on. Presumably he stood outside Bethnal Green Police Station handing it around saying, “Would you like to a letter saying you are going to be let off”?

Let us now turn to imprints. The police officer at the end mentioned this. I am not talking about thousands of leaflets where an imprint gets left off. During the beginning of selection there were tens of thousands of A3 multi-coloured leaflets produced, folded into three, full of pictures, and it said on the bottom, “Printed and published by Alibor Choudhury, 5 Jubilee Street, East 1.” That is his mum’s house. Now, if he had in his mum’s house a mainframe printer that can print tens of thousands of multi-coloured leaflets, the poor woman

would be dead now because she would be dead of the smell of it. She is alive and there is no printer in the house.

I wrote to Sir Bernard Hogan-Howe QPM [Commissioner of the MPS]. I explained the election law and I put the pitfalls on, because there are two things of defrauding and imprint: (1) you are using it for money laundering because you can say, "I printed these leaflets and spent 10 quid on it", or you can actually have the printer and say you spent 10,000 quid on it. That is one thing. The other one is you are getting a mate to print them for you and of course they are doing it in goods in kind, both of which are illegal. I wrote to Sir Bernard Hogan-Howe QPM. I enclosed the leaflet. I identified the law. I never heard a thing until eventually somebody called by the name I think of DS Smith and said, "Oh, we have spoken to Mr Choudhury and he is not going to do it again".

Let us now turn to the things of bribery. If you look at the Commissioner's judgment, we talk of the bribes that were given to TV channels. At the beginning of it it says, "In answer to a member's inquiry". The member concerned was me and those who do know me know that I am pretty thorough and I am known for writing detailed letters. I enquired how much money was bunged to these TV stations. I got the result. I wrote to Office of Communications (Ofcom). I had witness evidence of every broadcast, how much was given by the council and so on. Ofcom censured the council and said this was illegal and it is illegal to put adverts in favour of, effectively, a governing official on a TV channel. It is said to be illegal. Ofcom said that. I duly wrote to Sir Bernard Hogan-Howe QPM and I enclosed everything, including the Ofcom judgment in all its details. I never heard a word.

Let us turn to the Jagroto event. I was handed a copy of the advert of this, so I wrote in May [2014] - two weeks before the election - to Sir Bernard Hogan-Howe QPM pointing out: (1) the meeting was taking place; (2) the only guest named was Lutfur Rahman; (3) that if it were a public meeting it had to be declared as an election expense; (4) in the event of it not being an election expenses, if it were a joint meeting, everybody else would have been invited. I rang up Mayor Biggs's agent, Chris Weavers [Chair of the Tower Hamlets Labour Party], and Chris had heard nothing from it. I contacted the UK Independence Party (UKIP) agent. The UKIP agent had heard nothing from it. I contacted the Liberal Democrat agent. He had heard nothing from it. Sadly, for Assembly Member [Sian] Berry, I could not get hold of the Greens, but I got hold of all of those. None of them had heard anything from it. This meeting took place, so I wrote to Sir Bernard Hogan-Howe QPM and told him of the event and, surprise, surprise, I heard nothing.

After the election I had all of this material. I would have given admissible witness statements - if necessary in a police court accompanied by a lawyer - that would have been admissible evidence. Nobody asked me for it. Furthermore, I had corroborative evidence. If you look behind you, Commander Cundy and your police colleague, there are people sitting there who would have given admissible evidence from my party, from the Labour Party, and from no party, all of who witnessed it. Names were given. Not one of us has ever been asked to provide a witness statement, so where is your investigation?

Steve O'Connell AM (Chairman): Councillor, this is really, really helpful. In a minute we are going to give the Commander the opportunity to respond.

Unmesh Desai AM (Deputy Chair): There is a question through us to you from Francis [Hoar] and also the points raised by Councillor Peter Gold. Can I also put it to you about what you said in your letter to MOPAC that no evidence had been found of an orchestrated system of political malpractice, either by geographical location, for example, Tower Hamlets, by any specific political party, do you still stand by that statement? Do you still stand by the other point you make in the letter?

“In relation to electoral fraud and malpractice allegations, Tower Hamlets, the MPS has been both robust and proactive.”

Everything we have heard so far suggests the contrary.

Commander Stuart Cundy (Special Enquiry Team, MPS): In relation to the first statement, and bear in mind the police role is in relation to criminal offences, so, yes, I stand by the statement from the criminal perspective. Yes, that is our role. That is not to say from another perspective there might be views around something that has been widespread, but we have to follow the criminal investigations and the evidence for criminal purposes. That is our function.

The second question?

Len Duvall AM: The points made by Mr Hoar and Mr Golds, and the follow up question from Mr Vamos, did you know that these people had not been interviewed?

Commander Stuart Cundy (Special Enquiry Team, MPS): The purpose of today is not to go into individual investigations. I have legal disclosure obligations that I cannot share certain things for obvious reasons. All of us in this room - particularly Mr Hoar - will be aware of that. The perjury allegation, which was eloquently put by Mr Hoar was fully investigated. He has already identified that Ms Cohen was spoken to. The outcome of that investigation - I will not go into the details of it - did not identify sufficient evidence that we could take to CPS for a decision to charge an individual. That is not to say that the finding of His Honour Judge Mawrey was not the correct finding in terms of what he found in relation to that particular set of incidents.

Len Duvall AM: Why was Mr Golds not interviewed? He has told us that he was not, so there is no secrecy about that. Either he was or he was not. He would know if he was. It sounds like he has a lot to say. Why was he not interviewed?

Unmesh Desai AM (Deputy Chair): He could be here for the whole day.

Commander Stuart Cundy (Special Enquiry Team, MPS): I do not want to get into individual circumstances.

DI Gail Granville (Special Enquiry Team, MPS): We are in regular contact with Mr Golds and some of the individuals who are here, who are saying that they --

Steve O'Connell AM (Chairman): As a Committee, if we sense that there has been some issues and shortcomings we will reflect on them in our report.

Nick Vamos (Head of Special Crime (Crown Prosecution Service): Councillor Golds will be aware that, having come in and used that fresh pair of eyes, which I have had, I do not think some of the engagement, some of the key individuals - and Councillor Golds is definitely one of them - has been appropriate and in terms of some of the other offences, not just the electoral matters that we have investigated --

Andrew Dismore AM: Will you interview Mr Golds and his colleagues now - not now this minute - that it has been raised with you? Will you now have a proper discussion and interview with Mr Golds and with the other potential witnesses?

Commander Stuart Cundy (Special Enquiry Team, MPS): Yes, we will meet with Mr Golds.

Len Duvall AM: The witnesses who put their hands up in the public gallery here, you will speak to them and take proper statements from them?

Commander Stuart Cundy (Special Enquiry Team, MPS): Yes.

Len Duvall AM: Very good.

Steve O'Connell AM (Chairman): Hang on, let us not all talk. We have noted that and we will take that one certainly.

Mayor John Biggs (Tower Hamlets Executive Mayor): We are at risk of repeating the same point but, very simply, the Election Court judgment was passed and we understood that the whole of that judgment, which I assumed included all the subsidiary papers we passed to the Mayor, and I took some pity on him because there were thousands of pages of it, but I assume it would just be a question of looking at the seven findings against the previous Mayor and others. It would also be looking beneath the surface at the various other offences, which it was suggested had been carried out. I come away from this wondering whether that was ever really done because Mr Golds has illustrated that point.

Francis Hoar (Barrister, Field Court Chambers): As a matter of fact, it is important to note that there were 27 lever-arch files, all of which were in the hands of the DPP, and the purpose of the DPP being represented by counsel, which as Mr Vamos said they were was in order to assess that evidence, so the MPS had at its disposal from the outset 27 lever arch files, all of which were referred to, not directly but they were referred to in submissions and they were referred to by the Commissioner in his judgment. It is not right to say that the MPS needed to seek those. They did not.

Andrew Dismore AM: Mr Cundy, do the police have those files and has somebody read them?

Commander Stuart Cundy (Special Enquiry Team, MPS): Those files, as Mr Hoar said, went to the DPP. We have not had any referrals from that hearing.

Andrew Dismore AM: You have not had those 27 files?

Commander Stuart Cundy (Special Enquiry Team, MPS): They went to the DPP as I said.

Andrew Dismore AM: You have not had those 27 files?

Commander Stuart Cundy (Special Enquiry Team, MPS): They went to the DPP, Mr Dismore, as I said.

Andrew Dismore AM: They have not come to you?

Commander Stuart Cundy (Special Enquiry Team, MPS): No, they are with the DPP.

Andrew Dismore AM: Right. So, Mr Vamos CPS, why were those files not given to the police?

Nick Vamos (Head of Special Crime (Crown Prosecution Service): I would need to go and check what happened to those files.

Andrew Dismore AM: This is all Inspector Clouseau [A fictional character in The Pink Panther series], is it not?

Sir Ken Knight CBE QFSM (Tower Hamlets Commissioner): You will understand that as the lead Commissioner in the direction that has been put in place, this is not directly my responsibility but I have made strong observations publicly and have had good conversations with, of course, the Mayor and those interested and, indeed, the MPS.

Just to go back if I might for 30 seconds, you will know that it is very unusual, thankfully, for a council to be put into directions by any Government, and it is not done lightly. It is not done lightly because it slightly flies in the face of democracy. The people have voted and, therefore, they have got what they deserved. In this case - and in each case of course - a Government puts in a very robust inspection regime. There are only two councils that are currently under directions and have Commissioners, for very different reasons. One is Rotherham and one is Tower Hamlets.

My role, of course, is there to not only see through the specific directions, which are quite different from Rotherham of course, but also to work with the Mayor and to return Tower Hamlets to the proper home of proper local democracy in London and take its place as a respected London Borough.

If I could just say as a preface, therefore, to what I am going to say on this part, what I found was anything but that. The challenge I took in December 2014 was a shock even to me to find that there was an organisation that was supposed to be a local authority but actually was full of secrets and transparency and not trusted, not trusted internally. Even elected members within the Council - would you believe - having to put in Freedom of Information Act requests within their Council for information about their Council. A mayor who actually refused to stand up and speak at scrutiny because he said it was against his human rights to do so, so never did answer questions at his own scrutiny committee, and in that period having to take out further directions because we got no co-operation in those early days. I am pleased to counter that by saying that since the new Mayor has been - not very new now, of course - properly elected we have been able to reduce some of those directions and I will come on to that.

Let me talk, if I may quickly, Chairman, about how we got involved. One of the issues that we found ourselves embroiled in was taking information from whistle-blowers, both inside and outside the organisation, who felt that they could not trust the procedures within Tower Hamlets and came to the Commissioners - which was good but not our main role - to talk about some of the information talked about before, and felt that justice had not been seen to be done and they were not being heard properly and yet had a voice to say.

We had throughout the process a good communication point with the MPS and AC Helen King was appointed as that point of contact, not just on electoral fraud but there were a range of other issues that were going on in the background. In fact, one of those you will know - and we have touched on it - was the very point about grants being given, and only in the last month have I given the chairing of that transparency grants committee back to the elected Mayor, but prior to the arrival of the Commissioner there was nothing transparent and nothing open about giving grants at all and I was pleased to make it a very open, transparent process.

There is some confusion, Chairman, and I would like to touch on that and how we became concerned. One was about the whistle-blowers telling us things that were going on and the conversation we had. This is purely a professional observation as a Commissioner that we found in place. First of all, you will know that the Mawrey hearing also had in its first instance allegations against the Returning Officer, which the petitioners dropped on the first day of the hearing. In discussion with [AC] Helen King we found that all of the evidence that was against the returning officer nevertheless was about corruption in the election. We were advised by the AC

that no new interviews were undertaken with those people. Those interview statements were dropped and not revisited because they were not in Mawrey, so we felt there was evidence in there that might have been worth looking at again, even though they may not have appeared in the Mawrey judgment.

The confusion that we have talked about - and I well remember the discussion with AC King, where that confusion occurred and I recall it occurring - happened this way, and the MPS will know this. The first press release by the MPS after deciding to take no action was that the CPS decision was to take no action. When we had that further discussion with AC King - as the CPS have quite rightly clarified, and clarified at that meeting after some confusion - the cases were never formally referred to the CPS and they did not need to. We still had a feel about the public interest in all of this, in terms of democracy and openness. Also the reverse, of course. It being prayed in aid because of lack of CPS action and its defence that it was an establishment that was getting rid of the former Mayor.

One of my roles is Lead Commissioner. My background, of course, is as a firefighter. There is something relevant about that, I guess. My role is also to have a liaison, not only with the elected Mayor and lead members, but obviously with key players, including Government officials, the Minister, and the two MPs. I was taken by the letter to one of those MPs from the DPP, in which she says:

“Electoral malpractice is not always captured under that particular legislation of the Representation of the People Act and may be best reflected as an offence of corruption, bribery and conspiracy, where no time limit applies for bringing charges to these offences.”

I might have added to that, in my innocence, misconduct in public office and perjury. However, I think the DPP makes a very good point. I come back to Mr Duvall’s questions which I think are absolutely right. The offences - for me as a very keen observer now being brought up to speed very quickly - are not about offences on the day of election. It strikes me that elections are not just stolen on the day. They can be stolen before by what happens.

Chairman, I am happy to come back another time and tell you what changed in elections from 2014 to the elections that happened in 2015. A considerable amount did change, including the close work of the Electoral Commission and the MPS with some really different procedures. However, I think my focus has been what happened before the election and around the election, not just on Election Day, when the election was democratically stolen from the proper democratic control. I hope that clarifies the Commissioner’s position.

Andrew Dismore AM: Did [AC] King say she was now going to ask the police to look at this whole issue of bribery and all these other things as well or was your impression it was simply just left?

Sir Ken Knight CBE QFSM (Tower Hamlets Commissioner): No, it was one of the letters that I was interested in. I had made a public statement myself, as you recall, in a letter to the Mayor and the Secretary of State that it felt like justice denied to the community. I was feeling that from the complaints I was getting. Amongst those 45 various letters that have gone to the MPS from MPs, and myself are those sort of observations. The DPP did not propose a solution to that but she made the telling point for me that the RPA clearly is time limited and gone. However, there are other offences that are not time limited and have not gone.

Andrew Dismore AM: Are the police looking at these things now?

Commander Stuart Cundy (Special Enquiry Team, MPS): There are a number of other matters that are not RPAs, as Sir Ken has explained, that we have already investigated.

Andrew Dismore AM: Finished investigating?

Commander Stuart Cundy (Special Enquiry Team, MPS): There are a number of other investigations. This is things that extend from that.

Andrew Dismore AM: Are they ongoing or are they finished?

Commander Stuart Cundy (Special Enquiry Team, MPS): The most significant ones are concluded. We looked at grant allocations in relation to new services which was a particular issue which was raised by PricewaterhouseCoopers, from their best value audit. That investigation did not establish sufficient evidence to charge any --

Andrew Dismore AM: You have not seen the 27 lever-arch files, have you? The DPP/CPS have got them and haven't given them to you to look at.

Commander Stuart Cundy (Special Enquiry Team, MPS): No, as I said earlier, that is --

Steve O'Connell AM (Chairman): We know that. It is pretty clear that you may have come to an end of your extant investigations but there are the files, you are going to interview Councillor Golds, and there are other discussions to take place. We need to move this on. Caroline, do you have some questions around this?

Caroline Pidgeon MBE AM: I wanted to this pick up with Francis Hoar. You are listening to this. Thank you, Councillor Golds, for this fantastic letter. There is so much in here that, as an ordinary person, you think, "Well, justice needs to be done". There is clearly evidence there. You have an address. You have whatever. Yet we have not seen these prosecutions. I wonder whether, as a barrister, you can explain to us how the burden of proof differs between that which is sufficient in an election court and that needed for a conviction in a criminal court, particularly when Judge Mawrey made it clear he used the criminal burden of proof for his findings?

Francis Hoar (Barrister, Field Court Chambers): Well identified. The answer to that is no, there is not a difference as, to be fair, the police have acknowledged. What the police say, of course, is that hearsay evidence cannot be admitted. Of course, the hearsay rules have become quite significantly more lax since the Criminal Justice Act 2003. There were always rules, as I said, in relation to bribery. It has always been the case that business hearsay, i.e., documentary evidence, has always been admissible in a criminal court. That is why I really wanted to identify that between paragraphs 460 and 512 of the judgment a lot of what has gone into there are Ofcom judgments and advertisements. All admissible. There is admissible documentary evidence in relation to grants and admissible documentary evidence in relation to meetings that occurred. There are Councillors who were at the meetings who can affirm the minutes that took place there. There is, of course, the evidence of Deborah Cohen, evidence substantiated by contemporaneous notes. There is evidence of two meetings both of which were denied. Not just, "I don't remember this happening" but Alibor Choudhary, Mr Asad and Mr Rahman saying they did not occur. Apparently, the police reached the decision - which, again, you might be interested in - that that does not amount to a reasonable prospect of success in relation to perjury. I think is the answer we got from Commander Cundy just now.

That goes to two different types of offences. One is bribery. The Commissioner outlined in detail the evidence he took into account. Of course, bribery does not require evidence that somebody has actually been bribed, it is simply an offence of intent. Providing steps are taken by somebody in order to bribe is sufficient in the criminal law if the intent is there. In terms of what the criminal law is and what the election law is, of course

the election offences that were established were all criminal offences. In addition to that there is the 2010 Bribery Act. The Commissioner went into detail as to why the 2010 Bribery Act would be met by the evidence he considered, in addition to the RPA offences. It is a matter of public record that Lord Justice Lloyd Jones and Mr Justice Supperstone in the Divisional Court not only rejected the application for judicial review, but by rejecting the application for permission they found it was not arguable the Commissioner had made an error of law or had made findings of fact that were not substantiated by the evidence in relation to bribery. They specifically agreed, at paragraph 23 onwards of the judgment of the Divisional Court, with Commissioner Mawrey's finding as to the legal test for bribery in this particular instance. All of that was, of course, available. That was only available from 26 January 2016, when we had the judgment in the Divisional Court. Commissioner Mawrey's judgment was available since 23 April 2015. The extension was applied for well before the one year time limit was up. If it was not applied for in relation to bribery it could have been and, in any event, you have the 2010 Bribery Act offence.

Steve O'Connell AM (Chairman): That was useful but I am conscious we are moving into the fourth hour and I do not want to lose anybody.

Caroline Pidgeon MBE AM: The evidence, obviously, was very strong from the court case. Is it possible to turn more hearsay issues into hard evidence that could stand up in a criminal court?

Francis Hoar (Barrister, Field Court Chambers): The question in terms of the bribery is what evidence of hearsay do you need?

Caroline Pidgeon MBE AM: Some of the other of evidence that was given, softer stuff, things people have said. Is it possible to turn that into hard evidence? Could the MPS have done that following this court case with some of the other issues that were raised?

Francis Hoar (Barrister, Field Court Chambers): If you read those paragraphs there is very little reference indeed to evidence of individuals. It is either witness statements of people who did not give evidence in court or other evidence that would count as hearsay that would not be admissible in a criminal court. The vast majority of the evidence referred to in those paragraphs is documentary evidence that is admissible in a criminal context, and also the evidence of a senior officer in the organisation who gave evidence in the election court proceedings and there is no reason to think would not be prepared to give evidence. When it comes to witnesses an important consideration is that witnesses who are unwilling to give evidence can be summonsed. The petitioners had to summons a number of witnesses, successfully, in the election court proceedings. Those powers, of course, exist in a criminal context too.

Caroline Pidgeon MBE AM: The MPS wanted to respond to that. There was clearly strong evidence that could have been taken forward in a criminal court. Why was it not?

Commander Stuart Cundy (Special Enquiry Team, MPS): Two comments from myself, if I may? The burden of proof is exactly the same as it is from a criminal proceedings perspective. There is a difference of sufficiency of evidence between the evidence that is available - which is what His Honour Judge Mawrey has explained in his judgment - and the evidence he heard from individuals with which to seek a CPS decision to charge. I am not going to get into individual case circumstances. It would be wholly inappropriate of me for reasons which you all understand. The allegations Mr Hoar has gone through were fully investigated. There are reasons why there is insufficiency of evidence from a criminal perspective.

Steve O'Connell AM (Chairman): Mr Vamos wants to respond as well no doubt?

Nick Vamos (Head of Special Crime, CPS): Yes, I wanted to make three points. Obviously I am not going to get into individual cases either. Of course, Mr Hoar is correct that hearsay is admissible in a criminal trial. As a general proposition it is equally correct that the Civil Rules of Evidence make far more evidence admissible in an election petition than they ever would in a criminal trial. It is a question of looking at each individual piece of evidence and deciding whether it would be admissible.

The second point is that you cannot summons somebody until you have actually commenced proceedings. If somebody is not willing to give a statement that would enable you to charge somebody there are really no coercive measures you could use to force them to provide evidence.

The final point - and I am not going to argue with Mr Hoar about the details of the judgment - is Commissioner Mawrey himself gives a very good example at paragraphs 338 to 341 of why he was able to draw inferences with his inquisitorial role that would not be available to a criminal jury to find on a criminal standard. It is not a question of the burden or standard of proof, it is a question of the ability to make and draw inferences and the different roles in the court.

Francis Hoar (Barrister, Field Court Chambers): In relation to Councillor Shahed Ali who the Commissioner said --

Steve O'Connell AM (Chairman): Mr Hoar, this is not a courtroom.

Francis Hoar (Barrister, Field Court Chambers): Yes, I understand.

Steve O'Connell AM (Chairman): I have not called you anyway.

Keith Prince AM: I did have some questions, most of which seem to have been asked during the process. However, there is a couple I would like to ask. Firstly, this is of the CPS and MPS as well. I am sure when you came here today you had a view on this but I would like to ask you, in view of what you have heard today what lessons you think can be learned from this case?

Commander Stuart Cundy (Special Enquiry Team, MPS): The main one - which I explained right at the very start and what Councillor Golds eloquently put before us today is a good example of - is coming with a fresh pair of eyes, looking at it from the commencement of the investigations all the way through to the present day and what you see are a lot of things. It is about that communication and engagement to explain things.

There are procedure rules, as Mr Merrett has so eloquently put, that we have to work within. However, there are definitely lessons around that engagement as Sir Ken has already referred to. Lessons from the May 2014 elections in Tower Hamlets were learnt quite quickly, to evolve and develop our collective response to Election Day for 2015. Indeed, there is a planning meeting later this month to plan ahead to May 2018. Undoubtedly there are lessons that have been learnt there.

From an internal policing perspective - and it was touched on a few times in some of that last discussion - it is not all about electoral fraud offences. It is not all about the RPAs [offences under the Representation of the People Act 1983], as we have all acknowledged. There are other offences that the MPS has investigated through other specialist officers, fraud investigators and the like. There is always the need to take that step back. A member of the public who makes an allegation does not know the law. They will say, "This has happened. I think it is this offence." You then rely on investigators with their knowledge and experience and specialist lawyers to say, "Well, actually, there are other offences which you can consider". That is what we

endeavour to do throughout the life of all the investigations. That is a key thing looking ahead to any other election. Yes, it is about events on the day, particularly things around RPA, but it is taking that broader step back as well.

Nick Vamos (Head of Special Crime, CPS): I can well understand, from the outside, somebody looking at Mr Mawrey QC's judgment and then seeing no prosecutions would fail to understand how those two situations can be reconciled.

Tony Arbour AM: That is very astute of you to make that observation.

Nick Vamos (Head of Special Crime, CPS): I completely understand that public perception. However, the CPS can only follow the evidence and apply the law as it stands. As a result of the investigation the MPS conducted, in which we were involved throughout --

Keith Prince AM: I do apologise for interrupting. I am not asking you to justify it. I am asking you the lessons you have learnt, if any.

Nick Vamos (Head of Special Crime, CPS): Yes, sorry, I should have got straight to it. I apologise. The lessons learnt are about engaging with the stakeholders in this process and explaining, as far as possible, within the confines of the law how decisions have been reached or our role in decisions made by the MPS. Obviously, there was confusion about who the decision maker was which was unhelpful. The main lesson for us, as Commander Cundy said, is about engagement and being as open and transparent as possible, as far as the law permits.

Keith Prince AM: In your opinion, at this moment in time, you do not see anything wrong with the process as it has been, and there are no lessons to be learnt for improving the process? It is only the fact you did not communicate how accurately you followed this process?

Nick Vamos (Head of Special Crime, CPS): I cannot talk about individual decisions we made or advice we gave and whether, in hindsight, we should have given different advice. I can only talk about the process as a whole. There was a thorough investigation which we advised upon. We made decisions following the evidence and based on the law.

Steve O'Connell AM (Chairman): That is very helpful, thank you.

Mayor John Biggs (Tower Hamlets Executive Mayor): I am trying to put my finger on where the frustration lies in this. I do understand the points that have been made but as far as a lot of people are concerned, including a lot of people in this chamber today, the Electoral Court judge was very clear that there were 19 people who, in his view, were unlawfully elected. There was the Mayor plus 18 Councillors. Of those the Mayor and one Councillor were disqualified because they were named on the petition. The other 17 were not named on the petition and nothing happened to them. Of those 17, one went to jail because he was found to be guilty of other criminal offences. There are 16 councillors in the Tower Hamlets Council chamber collecting their expenses and participating in decisions who have not really been held to account for anything. Some of them are fairly contrite and recognise that things were wrong. I guess there was an expectation that if the party they were elected under was an improper organisation, as the judge said, that it was not properly registered and did not do things properly, then something further should have happened.

I appreciate all the constraints but there are 27 lever-arch files or whatever. There is a lot of information about what people did or did not do. Although it is very time consuming there is a public interest in terms of

understanding and learning from that, holding people to account and making sure we learn lessons about how a system, which is generally based on trust, may need to be better regulated in the event that other instances like this occur.

Steve O'Connell AM (Chairman): That sums it up perfectly.

Caroline Pidgeon MBE AM: Very, very helpful.

Keith Prince AM: This question has already been asked of Commander Cundy but I would like to ask this question of Robin Merrett, bearing in mind you have not had a lot of time to prepare. You will be aware, I am sure, that the Deputy Mayor for Policing and Crime, said in her letter to this Committee, that the MPS has been both robust and proactive in this investigation. Would you have any idea how MOPAC reached that conclusion?

Robin Merrett (Head of Operational Oversight, MOPAC): Not specifically to that letter dated 21 December [2016]. It is fair to say the conversations and enquiries I have been able to make since I started to be involved in this have certainly given me no reason to doubt the quality of the investigation.

Keith Prince AM: Are you saying that, having heard what you have heard today in this meeting, that you still believe that the MPS has been both robust and proactive in this investigation?

Robin Merrett (Head of Operational Oversight, MOPAC): When taken in the round with the other information I know, yes, I am.

Keith Prince AM: Despite the fact they have not interviewed people, have not taken witness statements, have not investigated 17-plus councillors who are not actually eligible, the fact they have not followed through a raft of other evidence as Mr Hoar has put it, you still believe that their investigation was both robust and proactive, and also the fact they have not been given 27 lever-arch files?

Robin Merrett (Head of Operational Oversight, MOPAC): I said when you take everything in the round. I do not accept the statements you just made in your question. If you listen to the evidence in the round and take in mind the fact I have done enquiries outside this meeting, yes, my position remains that.

Keith Prince AM: Incredible, thank you. Finally, I would like to ask of you, Mr Merrett, how was the MPS held to account following Mawrey's judgment?

Robin Merrett (Head of Operational Oversight, MOPAC): There certainly were conversations between the Deputy Mayor [for Policing and Crime] and the Commissioner over this matter, the exact detail of which I was not privy to. Certainly, there were conversations between the Deputy Mayor [for Policing and Crime] at that time and the Commissioner regarding these matters, and maybe other senior officers.

Keith Prince AM: That is how you believe they were held to account? That is fine, because if you were not there you do not know.

Robin Merrett (Head of Operational Oversight, MOPAC): Yes.

Andrew Dismore AM: Were they minuted?

Robin Merrett (Head of Operational Oversight, MOPAC): I do not know, to be honest.

Andrew Dismore AM: If they were minuted, can we see the minutes?

Robin Merrett (Head of Operational Oversight, MOPAC): I think it is unlikely, to be honest, of that nature.

Steve O'Connell AM (Chairman): If you could confirm that, that would be important.

Andrew Dismore AM: If it was, can we see the minutes, please?

Steve O'Connell AM (Chairman): Yes, that was the point we made.

Tony Arbour AM: I want to ask Sir Ken and Mayor Biggs what has been the result of there not being a prosecution and whether there has not been collusion in some way or another not to bring a prosecution? When I first raised this matter more than a year ago with the previous Mayor I suggested maybe a reason there had not been a prosecution possibly was the 'Rotherham syndrome' where a prosecution may have been misinterpreted or there may have been fear of bringing a prosecution because of community reaction. I want to ask Mayor Biggs and the Commissioner what do they think in Tower Hamlets about the fact there has been no closure, that there has not been a prosecution? Do residents perhaps think that some people have got away with things simply because the police and CPS have decided not to take the matter further?

I have to say, if I may, referring back to the point that I made earlier, that this is the first we have ever heard that there were these extensive conversations between the CPS and the police as to whether or not a prosecution should be brought. We always thought that evidence was presented to the CPS and the CPS decided whether or not there was a case to go on. From what we have heard today it looks as though both of you have decided that there was not anything to go on. That really gives rise to my question, what do the residents of Tower Hamlets think about this?

Mayor John Biggs (Tower Hamlets Executive Mayor): There is no such thing as "the residents of Tower Hamlets" with a single view, obviously. There are quite a lot of people who feel dissatisfied. People who are active citizens in the borough who feel that something went wrong and very few people have been held to account for it, as I have said already.

There is some frustration, and I share some of this, about the competence and willingness of the police to investigate matters. That is not because, in my view, they are politically correct or sensitive to cultural sensitivities. In my view it is because it was not adequately thoroughly prioritised and investigated. There is a question of whether there should be some review. I know I have had this conversation with you at the weekend, Mr Arbour, whether there should be some review of the way in which the MPS investigated this. I think this was first put in my mind by the Commissioner and I am sure that Sir Ken will speak in a minute about the possibility of referring this matter to the HMIC. I have discussed that with the Deputy Mayor for Policing [and Crime] as well. I know that she is minded that is not an appropriate action. I am not persuaded that it is not an appropriate action. There is merit in looking - this is of public interest - at the thoroughness with which this very sensitive matter was investigated.

There is another attribute of this which is that some of the people around the former Mayor have used the absence of prosecutions - and this does not mean there should be a prosecution without evidence - as evidence that nothing was actually wrong. There is a fairly steady rumour in bits of the town and its community that says, "Well, no one's gone to jail, no one's been prosecuted", and therefore this was just some sort of political conspiracy with racist overtones. That strays so far away from the evidence that there is a

public interest in emphasising that people were properly held to account to some degree for this. However, there is a lot of unfinished business there.

Sir Ken Knight CBE QFSM (Tower Hamlets Commissioner): Thank you, Mr Arbour. I entirely agree with that. It is of two halves. In some aspects not just the physical change of direction is required. Underpinning that is cultural change within the whole of Tower Hamlets and at officer level particularly. The culture has changed to trust and openness and one of transparency. Anything that can continue to encourage that journey would be tremendously helpful. Some still are in denial and some would see it slipping backwards to one that is of the secrecy and corruption that, frankly, some of which I found in my grants-making procedures and background.

There are very clear messages about what is right in local government more generally. There is a very keen public interest in doing so across the whole of London, so it is very clear about messaging.

The whistleblowing has been really important. Not only has Mayor Biggs now completely updated, refreshed and changed the whistleblowing policy, which I very much welcome, but actually has a team in at the moment. It is looking at specific areas, over a period, going through those issues where those outside still did not trust the organisation inside, even though we had appointed new statutory officers. That procedure is bearing fruit. Anything that damages that and the implication it is not a trustworthy organisation and the former Mayor was somehow wronged and therefore there was no police prosecution has not been helpful.

The point Mayor Biggs raised is fair. I am aware, as you no doubt are, Chair, that Police and Crime Commissioners can commission HMIC to look at specific areas in their police force and do so. They have done so in a number of other police forces. In the case of London the Deputy Mayor for Policing has the remit and power of the Police and Crime Commissioners. That is an avenue open to the Deputy Mayor for Policing if she so wished to take that view.

Francis Hoar (Barrister, Field Court Chambers): There is one more effect that it is quite important to note of fact that Mr Rahman has not been prosecuted. He has made an application to the Divisional Court to have his disqualifications removed because he has not been prosecuted, arguing that that should be treated like an acquittal in a criminal court. That is obviously a matter of *sub judicæ*. It has not been determined. He has not got permission yet but that is the application he has made directly as a result - I think you are aware of that, Mr Chairman - of not being prosecuted.

Steve O'Connell AM (Chairman): That is very helpful.

Len Duvall AM: Can we now go back to that proactive review you did? I was quite taken by that. I will look at the transcript a bit more closely. Would it be fair for me to come away from this meeting and say that review may be somewhat limited if it did not check the files that were available to the DPP?

Commander Stuart Cundy (Special Enquiry Team, MPS): We would not know if it was going to be limited until we know what other information is available, I think would be the answer. So, the short answer is yes, a review is always going to be limited if it does not look at other material that is then there.

Len Duvall AM: So what is best practice?

Commander Stuart Cundy (Special Enquiry Team, MPS): Those files that were received from the judgment went through to the DPP. My understanding is that they were fully considered and then there were no referrals from that.

Len Duvall AM: Yes, there were no referrals from the Mawrey Committee but you set up a review because you were quite keen to tell me that you were being proactive and following up. Would it not be fair then for me to ask you why you were not proactive in seeking out the files from the DPP in the same vein that you sought to do some work from the Mawrey thing that you were not asked to? I welcome you doing the work because I think that is what proactive policing is about and prevention is about.

Commander Stuart Cundy (Special Enquiry Team, MPS): The files that came out of the judgment are with the DPP who had a counsel sitting within court throughout that judgment. The judgment that was publicly available is what we reviewed. We were not required to do that. As I said earlier, the reason we did that as the police was because of the nature and the public interest factor surrounding that review. I do not sit here to profess that the review that was done would be completely exhaustive, looking at every single thing connected to all the events that have gone on in Tower Hamlets. I listen to what Sir Ken has said about holding to account. There are different ways that individuals can be held to account. It is not just through the criminal process and that is what the police are here for. It is about criminal investigations. Evidence being available is not the same as sufficiency of evidence for a criminal investigation.

Len Duvall AM: But we are looking at the police actively today, but you are right. The Commissioner himself is aware of holding people to account because the intervention there was to hold to account local politicians who were doing wrong. In terms of this, what we need to understand around this Committee is that did the police do the thorough investigation, as one of your colleagues said from the CPS, that we are told that you did, and the evidence in terms of being said here, there is a gap in terms of following through on information that you may have had access to. I would like to move on because I think you have answered that question. Can I just ask, is there, in terms of best practice, who decides to interview whom during an investigation and who do you say, "No, we are not"? Therefore, in that sense, if someone provides evidence, detailed or not, why is that person not interviewed at all, because they are the complainant, they are the potential victim of whatever, or the person bringing the issue. Who decides and at what level is that decision made? How does that work? Is there a policy?

Commander Stuart Cundy (Special Enquiry Team, MPS): There are two answers I can make, so firstly a lot of allegations or referrals that we receive would be third party allegations rather than the individual that was party to whatever occurred. The role of investigators as Investigating Officers, the investigative decisions rest with those individuals. They will seek advice, they will seek guidance from supervisors, managers, CPS if appropriate, in order to make the best informed decisions, but that is the role of an Investigating Officer.

Len Duvall AM: Do you accept that making a judgement call then on who you interview could skewer an investigation? It could skewer an investigation or could it not? What are the checks and balances? How do I know that I want to do this?

Commander Stuart Cundy (Special Enquiry Team, MPS): That is exactly why we have supervision of Investigating Officers who can do that; who can provide the checks and balances.

Len Duvall AM: I still have not understood why the level of people in terms of some of the evidence they were providing, OK, the third-party bit I might get and I do not know the full details, but why were such a number of key people -- I welcome you saying what you are saying and giving the commitment today to say you are going to see Mr Golds and individuals in the audience, however it is something that should have been done some time ago. Someone took a judgement call not to call these people. How does that work and do you not think that, going away from today, you might wish to review that of why you have had to give that commitment to this Committee that a number of people, including Mr Golds, who is quite well known, to be

fair, to the police on those issues that you have to do that. Do you not feel that is worthy of a review in terms of the whole issues around that?

Commander Stuart Cundy (Special Enquiry Team, MPS): As was said earlier, yes, I will speak to Councillor Golds after this, but Councillor Golds was contacted and spoken to a number of times throughout the life of this investigation.

Councillor Peter Golds CBE (Tower Hamlets): No, let us have the dates.

Len Duvall AM: It might not be helpful, but one of the things that we might want to ask and follow up, Chairman, one of the things we might want to follow up is these points, because I think they are quite material and in terms of the investigations that were carried out and I need - and I accept what you are saying - however I would like to see a bit more substantive information around that. Then, finally, I just want to ask in terms of the background, and you can only answer for your section that is doing this work, however a number of issues, a number of concerns arising from the community is the relationship between the police on the ground as well as their relationship with some of the individuals that were involved in the electoral petition around that. There have been subsequently a number of further police investigations I think around youth service fraud as well as grants. Was there a police investigation into grants or was there not?

Commander Stuart Cundy (Special Enquiry Team, MPS): The grants allegation in youth services, yes.

Len Duvall AM: Do those investigations fall under your specialist, not electoral team, but your wider issue in the MPS, or was that dealt with locally?

Commander Stuart Cundy (Special Enquiry Team, MPS): That was before I had taken over the post, however the investigation into the youth services reported through into AC King.

Len Duvall AM: Right, therefore some of your personnel under your command, albeit before you took over, would have been maybe involved in those issues.

Commander Stuart Cundy (Special Enquiry Team, MPS): The investigators from a different part of the MPS are not under my direct responsibility, but are specialist investigators from our Specialist Crime and Operations Business Group.

Francis Hoar (Barrister, Field Court Chambers): I think it might be helpful, Mr Duvall, the other major implications was the housing benefit fraud.

Len Duvall AM: OK. The reason why I am saying that, there are some wider issues, and I suppose the charge here, and I know the Chair will wrap up, however the MPS has a history of being over-sensitive sometimes on dealing with some issues and pulling their punches in internal matters at large, do you know what I mean, it is all there in the public if we want to Google it around those issues. I would like for you to provide in some information about those checks and balances that take place that you have said today to this committee about how these processes around who you consult on these investigations and whether in these particular cases you consulted others who you would not normally consult because it is a sensitive, it is a political case that happens to be Tower Hamlets, it might be those issues around relationships and that what the MPS et does not want to be seen entering into because it is a bit too difficult. How does that work and what do you say to that charge? Because a number of people, not around this table, but some will say it around this table, but others outside will say that the MPS did not do the thorough job that the MPS should have done on this particular occasion

and I think there are some other side issues as well but you are not being asked to account for that today. What do you say to that?

Commander Stuart Cundy (Special Enquiry Team, MPS): I am not quite sure what information you are seeking. You said to provide material, but I'm not quite sure what material you are --

Len Duvall AM: Are you sensitised enough to understand that others may have a view that the MPS did not do the full job because it did not want to upset or it did not want to enter a political environment, all right?

Commander Stuart Cundy (Special Enquiry Team, MPS): I will sit here and say that is most definitely not the case. Now clearly I am not going to provide a running commentary on individual investigations because you know I simply am not able to do that.

Len Duvall AM: I am not asking that.

Steve O'Connell AM (Chairman): I think it is about checks and balances, I think the point you were making.

Commander Stuart Cundy (Special Enquiry Team, MPS): Chairman, I am still not quite clear what is being sought.

Andrew Dismore AM: It is about political interference.

Steve O'Connell AM (Chairman): Yes, it is checks and balances against any temptation to be interfered with politically.

Len Duvall AM: Political with a small P, not necessarily a large P.

Steve O'Connell AM (Chairman): OK, got that.

Len Duvall AM: Within your organisation.

Commander Stuart Cundy (Special Enquiry Team, MPS): I am sorry, Chair, but I am still not clear what is being sought from us.

Len Duvall AM: OK, we might be clearer when we read the transcript and we come back and we will follow up with some further questions.

Steve O'Connell AM (Chairman): The work that is going to happen, and I will sum up, although I will ask one more question, is that we will go away and consider what we have heard this morning, which is thorough, and we will do a separate piece of work to see what recommendation we can make. My last question, because --

Andrew Dismore AM: Chairman, there is one specific question Mr Golds has put to Mr Cundy, which is, "Can you give us the dates when you say you interviewed Mr Golds?" because he says he was not.

Councillor Peter Golds CBE (Tower Hamlets): I am quite aware -- Let's have the dates --

Andrew Dismore AM: It is a simple question, you have made your point, he said he saw you, he wants the dates that he saw you.

Steve O'Connell AM (Chairman): Oddly enough, Andrew, that is going to be part of the summation, because there is a patent disagreement there. I do not want it expressed any further please. There have been two different opinions, we will have an expectation that when those meetings were made with the Councillor you can write to us to tell us when they were. I think that is ultimately very sensible. I do not want to short change anyone, however I am conscious that we are going to be bumped out of here for another meeting in a minute. However, is there anything particularly at perhaps this end of the table that has not been raised that you wanted specifically to see what could have been improved and what can be improved? Mayor?

Mayor John Biggs (Tower Hamlets Executive Mayor): I would like to share with you an anecdote, if you like, about the Electoral Commission code of conduct, which I am sure the Electoral Commission would accept is valid, which was during the election - I cannot remember which election campaign it was - an activist for one of the political parties was found in possession I think of what was alleged to be postal voting material. This appeared to be in breach of the code, which that party is signed up to. I discussed this with the Borough Police Commander at the time and he said, "Yes, there seems to be a clear breach of the code", and the evidence was there. I said, "What is the sanction?" to which the reply was, "Well, it is not a policing matter, therefore the police cannot do anything about it, what we need to do is refer it to the leader of the political party for him to carry out disciplinary action within his group". I think that showed the frailty of the process if you like, and I just wanted to share that with you because, if there is a code of conduct, then it needs to be placed on a more regulated footing in my opinion.

Steve O'Connell AM (Chairman): OK, I think that is a really helpful. Peter, I will give you the last comment.

Councillor Peter Golds CBE (Tower Hamlets): Very quickly, I mean we have the next elections next year, 2014 was merely a rerun of what we had seen before, everything was based around the non-existent unenforceable code of conduct. Let me read to you what the Rahman people are currently saying:

"For some, it is not enough that there was a politically-motivated stitch-up against him without any proof - beyond hearsay and a witch-hunt - as the final decision by the Metropolitan Police Service and the CPS clearly showed after their careful and exhaustive investigation."

In short, in the run-up to 2018, the MPS and the CPS are going to be effectively co-opted to the Rahman campaign. How will you deal with that?

Steve O'Connell AM (Chairman): You do not need to respond to that; however I think it is a point very well made.

Councillor Peter Golds CBE (Tower Hamlets): Suggest they read the report.

Steve O'Connell AM (Chairman): Got it completely, Peter.

Unmesh Desai AM (Deputy Chair): Chair, just two points very quickly, just to put it on record. The answers that you have given to the questions put to you, Commander, and we also have a letter to the solicitor acting for the petitioners sent very recently in fact and the reply is dated 7 February [2017], seeking to take a statement from one of the petitioners. I do not know whether there is a correlation between this correspondence and our investigation, however this is very much a live investigation now.

Commander Stuart Cundy (Special Enquiry Team, MPS): Sorry, it is not about taking a statement, if I can be clear. As part of the review that I have done, and I have been quite up-front throughout this session about

the engagement with key individuals, including petitioners, so that contact with one of the petitioners was at my request because it was clear we had not --

Unmesh Desai AM (Deputy Chair): Right, well it is very much a live investigation.

Commander Stuart Cundy (Special Enquiry Team, MPS): No, it is not about a live investigation at all, Mr Desai.

Unmesh Desai AM (Deputy Chair): No, sorry, I mean in terms of taking the statements from the people indicated in the gallery, from Councillor Golds and others, you are now actively pursuing this matter.

Commander Stuart Cundy (Special Enquiry Team, MPS): No, that is not -- we will engage with them to see what evidence they have, to see what we can then assess and see whether we can then do anything with it. That is not quite the same as a live investigation.

Unmesh Desai AM (Deputy Chair): Well whatever phraseology you would use, and I am going to put it to you directly, maybe more directly than some of my colleagues, that this whole case, and I do not expect you will agree with me, is a litany of incompetence and negligence at the very least.

Commander Stuart Cundy (Special Enquiry Team, MPS): I would dispute that.

Unmesh Desai AM (Deputy Chair): Obviously, you will dispute it. Finally, Chairman, can I also note the sterling work done by petitioners and the work that other agents were supposed to be doing and there are some considerable legal bills.

Sir Ken Knight CBE QFSM (Tower Hamlets Commissioner): I just wondered if I might finally, Mr Chairman, say that much has changed on the elections on the day issues and it is something the Committee might consider in a wider forum at some point. Firstly, there has been much better engagement with the MPS and their understanding and training of what is required, not particularly on their own in silos, but joint training with the council staff who are involved in those same polling stations, which has been essential. The Electoral Commission, which we have talked about, and that area of exclusion to avoid intimidation from outside, the practice of not allowing other languages other than English to be spoken within the polling station, so it was clear and obvious, and including notices, which is quite within the law of course, and indeed those lessons learned were not only orally given to Sir Eric [Pickles] by myself, but actually gave written evidence to his review. While I do not accept particularly that one could replicate that in every London borough polling station, I think on a risk basis it was good to see a police officer in every polling station at recent elections in Tower Hamlets and the new rules enforced. I think that bodes well for the future in that joint arrangement.

Steve O'Connell AM (Chairman): OK, that was obviously most helpful. Thank you for your time.

Unmesh Desai AM (Deputy Chair): It is our longest session.

Steve O'Connell AM (Chairman): It is our longest session, which is good. I think it needed that time. I think what has come out loud and clear is, in Mayor Biggs's words, the unfinished business, the fact that the good residents of Tower Hamlets, many of them do not feel they have had proper closure and I think these are things that we as a Committee will be thinking about. We are going to go away, consider what work we need to do, what other information we need from your good selves. Again, I would thank you very much for this morning.

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Subject: Summary List of Actions

Report to: Police and Crime Committee

Report of: Executive Director of Secretariat

Date: 9 March 2017

This report will be considered in public

1. Summary

1.1 This report sets out for noting actions arising from previous meetings of the Committee.

2. Recommendation

2.1 **That the Committee notes the completed and ongoing actions arising from previous meetings of the Committee, as listed in the report.**

Meeting of 9 February 2017

Minute item	Subject and action required	Status	Action by
7.	<p>Tackling Allegations of Electoral Fraud and Malpractice</p> <p>During the course of the first discussion, the Head of Operational Oversight, Mayor's Office for Policing and Crime (MOPAC) agreed to provide:</p> <ul style="list-style-type: none"> Confirmation about whether the answers provided to MOPAC by the Metropolitan Police Service (MPS) (as attached to the agenda to this meeting) were interrogated following receipt. 	In progress.	<p>MOPAC</p> <p><i>Continued</i></p>

<p>7.</p>	<p>During the course of the first discussion, the Chief Executive, Electoral Commission, agreed to provide:</p> <ul style="list-style-type: none"> • A breakdown of electoral fraud cases by type for London and the UK over the last three years; and • The materials used for training Police Officers at the annual single point of contact seminar and the biennial roundtable. <p>Following a suggestion, the Chief Executive, Electoral Commission, also agreed when the Electoral Commission's guidance is reviewed to look into the issue of Police Officers wearing body-worn cameras when they are on duty outside a polling station.</p> <p>During the course of the first discussion, Commander Cundy, Special Enquiry Team, MPS agreed to provide the email trail between the MPS and MOPAC regarding the information set out in Appendix A of the letter from the Deputy Mayor for Policing and Crime, which had been appended to the Committee's report.</p> <p>During the course of the discussion, DI Granville, Special Enquiry Team, MPS, agreed to provide the training presentation provided to Borough Commanders on election issues.</p>	<p>In progress.</p> <p>In progress.</p> <p>In progress.</p> <p>In progress.</p>	<p>MOPAC</p> <p>Electoral Commission</p> <p>MPS</p> <p>MPS</p> <p style="text-align: right;"><i>Continued</i></p>
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	<p>During the course of the second discussion, Commander Cundy, Special Enquiry Team, MPS agreed to provide:</p> <ul style="list-style-type: none"> • Data on the number of witnesses whom the MPS had interviewed in 2014 in relation to the 2014 election in Tower Hamlets; and • The number of statements that the MPS took in relation to the 2015 election in Tower Hamlets. 	In progress	MPS
	<p>During the course of the discussion, Commander Cundy, Special Enquiry Team, MPS, also agreed to meet with Councillor Golds and other potential witnesses.</p>	In progress.	MPS
	<p>During the course of the discussion, Nick Vamos, the Head of Special Crime, Crown Prosecution Service (CPS), agreed to check what had happened to the 27 files relating to the allegations of election fraud and malpractice in Tower Hamlets, which had been passed to the Director of Public Prosecutions.</p>	In progress.	CPS
	<p>During the course of the second discussion, the Head of Operational Oversight, MOPAC, agreed to provide confirmation of whether meetings between the former Deputy Mayor for Policing and Crime and Commissioner of Police of the Metropolis concerning the allegations of election fraud and malpractice in Tower Hamlets had been minuted, and if so, the Committee requested that he provide those minutes.</p>	In progress.	MOPAC
			<i>Continued</i>

Meeting of 26 January 2017

Minute item	Subject and action required	Status	Action by
5	<p>The Mayor’s Draft Police and Crime Plan and Q&A with MOPAC and the MPS</p> <p>During the course of the discussion the Deputy Mayor for Policing and Crime undertook to:</p> <ul style="list-style-type: none"> • Notify Police and Crime Committee Members by email for each Policing Matters and Justice Matters meeting that took place; • Provide figures for the extra resources MOPAC is providing for the whole-school approach pilot work in Croydon which is tackling violence with a focus on children and young people; and • Inform the Committee of the action she had taken to lobby the Government about achieving a fair financial settlement for the MPS. 	In progress.	MOPAC
	<p>During the course of the discussion the Deputy Commissioner, Metropolitan Police Service (MPS), undertook to find out if it was possible for the MPS to re-analyse older data for a comparison of how things had changed (for example in relation to prosecutions and convictions resulting from hit-and-run offences).</p>	In progress	MPS

Continued

Meeting of 1 December 2016

Minute item	Subject and action required	Status	Action by
6	<p>Policing and Security in and around the London Stadium</p> <p>During the course of the discussion, Alan Skewis, Director, E20 Stadium LLP, and David Goldstone CBE, Chief Executive, LLDC, agreed to provide the contract between E20 Stadium LLP and London Stadium 185, subject to any information that would not be deemed to be releasable under statutory exemptions pertaining to the Freedom of Information Act 2000.</p> <p>Authority was delegated to the Chairman, in consultation with party Group Lead Members, to agree any required output from the Committee's scrutiny of policing and security in and around the London Stadium.</p>	<p>Complete. This was circulated to Police and Crime Committee Members in December 2016.</p> <p>In progress</p>	Scrutiny Manager

Meeting of 22 September 2016

Minute item	Subject and action required	Status	Action by
4	<p>Q&A with MOPAC and the MPS</p> <p>During the discussion, the Deputy Commissioner suggested that Members might wish to observe officer safety training. The Chairman supported the suggestion.</p>	This will be added to the Police and Crime Committee work programme for 2017/18.	

Meeting of 19 July 2016

Minute item	Subject and action required	Status	Action by
	<p>Question and Answer Session with MOPAC and the MPS</p> <ul style="list-style-type: none"> Provide a summary of the types of claims against the MPS and whether they had increased, and confirm the MPS budget for claims. 	Information to follow	MPS

Meeting of 3 March 2016

Minute item	Subject and action required	Status	Action by
5	<p>Victims and Vulnerability</p> <p>During the course of the discussion, the representatives from the MPS undertook to provide:</p> <ul style="list-style-type: none"> An update on the MPS's modelling for the framework for the transfer of commissioning and budgetary responsibility for custody healthcare services, including liaison and diversion and mental health services; and Information about how long the Rapid Assessment Interface and Discharge (RAID) pilot would continue. 	In progress.	MPS

Complaints about the Mayor's Office for Policing and Crime and the Deputy Mayor for Policing and Crime (DMPC)

Subject and action required	Status	Action by	Deadline, if applicable
<p>Complaints about the Mayor's Office for Policing and Crime and the Deputy Mayor for Policing and Crime (DMPC)</p> <p>The Committee agreed, inter alia, to delegate to the Monitoring Officer all of the powers and functions conferred on it by the Elected Local Policing Bodies (Complaints and Misconduct) Regulations, with the exception of the functions set out at Part 4 of the Regulations which may not be delegated; and guidance on the handling of complaints which requires the Monitoring Officer to report, on a regular basis, the summary details (such as can be reported in public), on the exercise of any and all of these functions to the Committee for monitoring purposes.</p>	<p>No disclosures to report for the period from 15 February 2017 to 28 February 2017.</p>	<p>Monitoring Officer</p>	<p>n/a</p>
<p>Transparency Procedure</p> <p>The Committee agreed Members disclose to the Executive Director of Secretariat or his nominated representative (within 28 days of the contact) details of any significant contact with the MPS and/or MOPAC which they consider to be relevant to the work of the Committee; and such disclosures be reported to the next meeting of the Committee.</p>	<p>No disclosures to report for the period from 15 February 2017 to 28 February 2017.</p>	<p>Executive Director of Secretariat</p>	<p>n/a</p>

List of appendices to this report:

None

Local Government (Access to Information) Act 1985

List of Background Papers: None

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Subject: Action Taken Under Delegated Authority

Report to: Police and Crime Committee

Report of: Executive Director of Secretariat

Date: 9 March 2017

This report will be considered in public

1. Summary

- 1.1 This report outlines recent actions taken by the Chairman of the Police and Crime Committee in accordance with the delegated authority to take decisions granted to them by the Police and Crime Committee at its meeting on 23 February 2017.

2. Recommendation

- 2.1 **That the Committee notes the recent action taken by the Chairman of the Police and Crime Committee, Steve O'Connell AM, under delegated authority, following consultation with the party Group Lead Members and Caroline Pidgeon MBE AM, namely to agree the topic and arrangements for this thematic meeting on probation services in London.**

3. Background

- 3.1 At its meeting on 23 February 2017, the Committee agreed to delegate authority to the Chairman, in consultation with the party Group Lead Members and Caroline Pidgeon MBE AM, to agree the topic and arrangements for the Committee's meeting on 9 March 2017.

4. Issues for Consideration

- 4.1 The Committee is recommended to note the action taken by the Chairman under delegated authority, following consultation with the party Group Lead Members and Caroline Pidgeon MBE AM, namely to agree the topic and arrangements for today's meeting.
- 4.2 The report at Agenda Item 6 sets out more information on the Committee's discussion with invited guests on probation services in London.

5. Legal Implications

5.1 The Committee has the power to do what is recommended in the report.

6. Financial Implications

6.1 There are no financial implications arising from this report.

List of appendices to this report:

None.

Local Government (Access to Information) Act 1985
List of Background Papers: Member Delegated Authority Form 790 (topic and arrangements for meeting on 9 March 2017)
Contact Officer: Joanna Brown and Teresa Young, Senior Committee Officers Telephone: 020 7983 6559 E-mail: joanna.brown@london.gov.uk ; and teresa.young@london.gov.uk

Subject: Probation Services in London	
Report to: Police and Crime Committee	
Report of: Executive Director of Secretariat	Date: 9 March 2017
This report will be considered in public	

1. Summary

- 1.1 This report provides background information to the Police and Crime Committee for its meeting with invited guests to discuss probation services in London.

2. Recommendation

- 2.1 **That the Committee notes the report as background to putting questions to invited guests on probation services in London, and notes the subsequent discussion.**

3. Background

- 3.1 In June 2014, under the Transforming Rehabilitation programme, probation services in England and Wales were divided into a new public sector National Probation Service (NPS) and 21 new privately-owned Community Rehabilitation Companies (CRCs). London is a stand-alone NPS division, one of seven NPS divisions across England, and its CRC is the largest in the country. The transformation to the new model has been challenging. Led by the Ministry of Justice, we are now two years into the reforms.

4. Issues for Consideration

- 4.1 At its meeting on 23 February 2017, the Committee agreed to delegate authority to the Chairman, in consultation with the party Group Lead Members and Caroline Pidgeon MBE AM, to agree the arrangements and topic for this meeting. Following that consultation the Chairman has agreed that this meeting will be used to examine the issue of probation services in London. This meeting provides Members with an opportunity to examine progress so far, in particular the quality of work and services delivered by the CRC and NPS in London and the impact on reducing reoffending.

- 4.2 Invited guests include representatives from:
- London Community Rehabilitation Company;
 - National Probation Service, London;
 - Mayor’s Office for Policing and Crime; and
 - Metropolitan Police.

5. Legal Implications

- 5.1 The Committee has the power to do what is recommended in this report.
- 5.2 Officers confirm that the scope for this thematic session falls within the Committee’s terms of reference.

6. Financial Implications

- 6.1 There are no financial implications to the Greater London Authority arising from this report.

List of appendices to this report:

Local Government (Access to Information) Act 1985
List of Background Papers: None
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Subject: Police and Crime Committee Work Programme

Report to: Police and Crime Committee

Report of: Executive Director of Secretariat

Date: 9 March 2017

This report will be considered in public

1. Summary

1.1 This report sets out progress on the Police and Crime Committee's work programme.

2. Recommendations

2.1 **That the Committee notes its work programme as set out in this report.**

2.2 **That the Committee delegates authority to its Chairman, Steve O'Connell AM, in consultation with the party Group Lead Members and Caroline Pidgeon MBE AM, to agree any output from the Committee's scrutiny review on tackling allegations of election fraud and malpractice.**

2.3 **That the Committee delegates authority to its Chairman, Steve O'Connell AM, in consultation with the party Group Lead Members and Caroline Pidgeon MBE AM, to agree arrangements for a site visit to the Queen Elizabeth Olympic Park to observe policing in and around the Park.**

3. Background

3.1 The Committee's work programme is intended to enable the Committee to effectively fulfil its roles of holding the Mayor's Office for Policing and Crime (MOPAC) to account and investigating issues of importance to policing and crime reduction in London. The Committee's work involves a range of activities, including formal meetings with MOPAC, the Metropolitan Police Service (the MPS) and other stakeholders, site visits, written consultations and round table meetings.

3.2 The Committee will usually meet twice a month. One of the monthly meetings is usually to hold a question and answer (Q&A) session with the Deputy Mayor for Policing and Crime. The Commissioner of the MPS has been invited to these meetings. The Committee will primarily use Q&A meetings to investigate topical issues and review MPS performance, including consideration of MOPAC's approach to holding the MPS to account.

3.3 The Committee’s other monthly meeting is used to consider a particular topic or aspect of policing and crime in greater detail. These investigations will be conducted either by the full Committee or working groups. Working groups will have delegated authority to prepare reports on the Committee’s behalf in consultation with party Group Lead Members. Full reports will be approved and published by the full Committee.

4. Issues for Consideration

- 4.1 The work programme has been designed to proactively examine issues of interest but also allows for flexibility to respond to topical issues and for the Committee to react to MOPAC’s work programme. Topics will be added to the timetable for Q&A meetings as they arise.
- 4.2 The Committee agreed its initial priorities for its work programme at its meeting on 29 June 2016. Since that meeting, the work programme has been revised and an updated work programme is set out below. The Committee will shortly produce a new work programme for its meetings from May 2017 onwards.

March	Thursday 9 March 2017 Thematic meeting – Probation services in London	Wednesday 29 March 2017 (instead of Thursday 23 March 2017) Q&A meeting
April	No meetings	

- 4.3 The Committee recently agreed its response to the Mayor’s Draft Police and Crime Plan. The Committee examined the feasibility and potential impact of the plan, concluding that there are some issues in the draft plan that need further thought or explanation. The report stresses that it is critical the final plan, and the strategies that follow it, build and inspire confidence in these challenging and uncertain times: both of the police in the leadership shown by the MPS and MOPAC, and of the public in the police’s ability to respond to their needs effectively.¹
- 4.4 The Committee used its thematic meeting on 9 February 2017 for a discussion with invited guests on tackling allegations of electoral fraud and malpractice. It is recommended that the Committee delegates authority to its Chairman, Steve O’Connell AM, in consultation with the party Group Lead Members and Caroline Pidgeon MBE AM, to agree any output from that meeting.
- 4.5 The Committee used its thematic meeting on 1 December 2016 for a discussion with invited guests on policing and security in and around the London Stadium. Members have expressed a wish to visit the Queen Elizabeth Olympic Park to observe policing in and around the Park. It is therefore recommended that the Committee delegates authority to its Chairman, Steve O’Connell AM, in consultation with the party Group Lead Members and Caroline Pidgeon MBE AM, to agree arrangements for a site visit to the Park.

¹ London Assembly Police and Crime Committee, [Response to the Mayor’s Draft Police and Crime Plan](#), February 2017

5. Legal Implications

5.1 The Committee has the power to do what is recommended in this report.

6. Financial Implications

6.1 There are no financial implications to the Greater London Authority arising from this report.

List of appendices to this report: None

Local Government (Access to Information) Act 1985
List of Background Papers: None
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