

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 are 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.