

The London Borough of Tower Hamlets  
Mulberry Place  
Clove Crescent  
E14 2BG

0207 364 4830  
07931 751 251  
cllrpetergolds@aol.com

Richard Derecki  
Head of Police and Crime Committee  
The Greater London Authority  
City Hall  
The Queen's Walk  
London  
SE1 2AA

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**Re: Meeting of the Police and Crime Committee**

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

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

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

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

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

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

## Examples of recent convictions for electoral fraud

### Slough

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

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

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

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

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

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

## Woking

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

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

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

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

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

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

## Derby

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

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

Why did the MPS not do the same?

## Tower Hamlets

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

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

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

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

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

### **The Committee’s terms of reference**

#### **SC01**

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

These include:

#### **A Detective Sergeant.**

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

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

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

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

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

In 2008 a Joseph Rowntree report stated the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

### **A Detective Constable**

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

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

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

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

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

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

### **A Detective Inspector**

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

A DI from the Special Enquiry Team responded:

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

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

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

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

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

### **An unidentified officer**

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

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

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

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

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

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

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

*Many thanks for taking the time to report this matter.*

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

*Yours sincerely,"*

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

As Commissioner Mawrey says in paragraph 579 of his judgement:

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

### **The protocol**

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

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



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

### **The Mawrey Judgement**

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

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

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

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

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

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

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

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

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

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

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

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

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

*Dear Mr Golds*

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

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

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

*Kind regards, and Merry Christmas*

*I responded as follows:*

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

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

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

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

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

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

## **Conclusion**

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

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

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

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

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

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

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

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


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

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

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

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

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

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

**Councillor Peter Golds**  
**London Borough of Tower Hamlets**