

Chairman of the Police and Crime Committee



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Sophie Linden

Deputy Mayor for Policing and Crime
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(via email)

The failure of the Met to seek criminal prosecutions in respect of the 2014 Mayoral Election in Tower Hamlets

I am writing on behalf of the Police and Crime Committee to recommend that you use the powers conferred to you under section 54 of the Police Act 1996 (as amended by the Police Reform and Social Responsibility Act 2011), to request that HMIC inspect the activities of the Met as they pertain to investigating matters relating to the 2014 Mayoral Election in Tower Hamlets; the findings of the Election Court judgement 2015; and related investigations thereafter.

There is widespread concern that despite the Election Court judgement findings against the former Mayor of Tower Hamlets, Lutfur Rahman—on a variety of corrupt and illegal practices—there have been no criminal prosecutions. As we heard from the Mayor of Tower Hamlets, John Biggs, and from the Tower Hamlets Commissioner, Sir Ken Knight, there is a deepening sense among Londoners that “justice has not been seen to be done”.

We have, therefore, tried to gather a clear and compelling understanding of why there have been no criminal prosecutions. To this end we have heard from MOPAC, the Met, the Electoral Commission, the CPS, the Mayor of Tower Hamlets, the Commissioner, the barrister for the Election Petitioners (Francis Hoar) and from Councillor Peter Golds.

There are many aspects to the way the allegations of electoral fraud and malpractice were handled by the Met that are troubling, and it is on the following basis that we recommend you make the referral to the HMIC.

Investigation of allegations

We remain convinced that more could have been done to investigate the very many allegations of fraud and malpractice in Tower Hamlets before and during the 2014 Mayoral election, and that those investigations that did take place were not done to the highest possible standards. There appears to be evidence of criminal wrongdoing, and expeditious investigative work could have generated sufficient evidence to seek a criminal prosecution.

The police officers that investigated the 164 allegations relating to the 2014 Tower Hamlets Mayoral election were considered to be inexperienced in their knowledge of electoral law. The Special Enquiry Team (SET) was only created in 2013 and that election (run at the same time as other local authority and the European elections) was their first. Councillor Peter Golds expressed concerns he had over their comprehension of the electoral law and the political process.

There was missed evidence in the Met's investigation. We heard about the trial bundle of 27 files of evidence collected and presented to the Election Court, material that was not reviewed by the Met but which was sent to the Director of Public Prosecution. Included in these files was material prepared for presentation in the Election Court in the case against the Tower Hamlets' Returning Officer, which we understand was about corruption in the election. As the case against the Returning Officer was dropped on the first day of Court the material was never considered. The Met did not review this material and no new interviews were undertaken because it was not in the Election Court judgement. There may well have been material worth considering and as such seems to indicate a significant missed opportunity.

The Met did review the written Court judgement but as Commander Cundy stated at our meeting "I do not sit here to profess that the review that was done would be completely exhaustive, looking at every single thing connected to all the events that have gone on in Tower Hamlets". This was a missed opportunity.

There were also missed opportunities to gather witness statements. We heard from Councillor Peter Golds of a number of specific allegations that he has brought to the attention of the Met and for which he has offered to provide admissible witness statements, and for which he has other corroborative witnesses who are themselves prepared to give admissible statements. But he has not been asked to do so by the Met. At our meeting on 9 February, the Met gave assurances that they would now seek to take statements from Councillor Peter Golds and from the other witnesses. It is not clear why this had not happened before.

We also heard that a number of witnesses who gave evidence in the Election Court, in public and were thus named, were not prepared to give statements to the police for use in criminal proceedings. This is strange and begs the question as to why not? If it was because those

individuals did not have full confidence in the Met then alternative means of securing statements, perhaps by using officers from another police force, could have been pursued.

The Met's engagement with Petitioners

The relationship between the Met and the Petitioners has been unsatisfactory. There has been a lack of positive engagement and a failure to communicate effectively with them. The Petitioners were not interviewed or asked to provide witness statements or evidence files despite the fact that they had produced significant material such that the Election Court found in their favour on the majority of the allegations they raised. It is worthy of note that just a few days before the Police and Crime Committee meeting on 9 February, one of the Petitioners, Ms Moffat, was contacted by the Met to see if she did now want to raise any criminal allegations.

The relationship between the Met and CPS

The Met was not present through the Election Court hearing, but instead reviewed the final judgement. The Met did not, therefore, hear the full extent of the allegations that were laid out in Court, did not hear witnesses for the Petitioners or for the Respondent, nor did they hear the cross-examinations. The CPS was represented in Court by counsel and gave early investigative advice to the Met. This is a slightly unusual situation as the Met will normally seek to produce a file of evidence that they then take to the CPS for a charging decision. But in this case the CPS gave early investigative advice to the Met. As the CPS did not make any referrals to the Met it is questionable to what extent that early investigative advice may have swayed the officers in their pursuit of the sufficient evidence necessary to generate a criminal charge.

Seeing the bigger picture

One of the central findings of the Election Court judgement is the extent to which a host of intimidatory, fraudulent and corrupt practices were deemed to be the agency of one man, namely Lutfur Rahman. While we heard of the efforts made by the Met to investigate individual allegations of fraud and malpractice there is a sense that officers failed to grasp the big picture, join up the dots and pursue the guiding mind behind the mass of inappropriate activity that was brought to their attention. To give just one example, the Met was clearly concerned about the level of intimidation by crowds at some of the polling stations but seem to have treated these, albeit rather ineffectually, as matters of public order when they could as well have been inquiring as to how and by whom the crowds were being organised.

It is time therefore for a fresh pair of eyes to review the activities of the Met in regard of the allegations of electoral fraud and malpractice as they relate to the 2014 Tower Hamlets Mayoral election. While the time limited constraints of the Representation of the People's Act may prevent any prosecution of past electoral malpractice by Mr Rahman, offences of bribery, corruption and conspiracy have no time limit for bringing charges. There may still therefore be opportunities to

mount a criminal prosecution and bring a sense of closure to what has been a systematic affront to the democratic process.

Yours sincerely

Steve O'Connell AM

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