

Sir Bernard Hogan-Howe
Commissioner of the Metropolitan Police Service
New Scotland Yard
Broadway
London
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15 April 2016

Dear Commissioner

Outcome of cases of alleged electoral fraud in Tower Hamlets

I am writing to you following the statement issued by the Metropolitan Police Service last month (*Assessment completed re allegations of electoral fraud in Tower Hamlets*) that no charges would be brought in relation to allegations of electoral fraud following the May 2014 elections in Tower Hamlets.

The Electoral Commission has developed over several years a good working relationship with the MPS, and in particular the Special Enquiry Team which leads on investigating allegations of criminal offences under the Representation of the People Act 1983 (RPA) and the Political Parties, Elections and Referendums Act 2000 (PPERA). We were pleased that Commission staff were able to attend and jointly present at the pre-election briefing which was held at New Scotland Yard on the morning of 16 March, as we have done for several years.

We recognise that the MPS and the Crown Prosecution Service took steps following the conclusion of the Tower Hamlets election petition in April 2015 to identify and assess any relevant evidence which had been presented during the trial. It was also significant that the MPS applied for and was granted permission to extend the usual 1-year time limit for commencing any prosecutions arising following the conclusion of the trial.

We have, however, been concerned that without providing more detailed information about the basis for the decision announced on 16 March 2016, there is a risk that public confidence in the approach of the police and prosecutors to dealing with allegations of electoral fraud may be damaged.

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The MPS statement explained that, following assessment of information arising from the trial and the April 2015 judgment of the election court in relation to the petition challenging the result of the May 2014 Mayoral and local government elections in Tower Hamlets, and in consultation with the Crown Prosecution Service, “a decision has been made that there is insufficient evidence that criminal offences had been committed”.

I am aware that further comments made by an MPS spokesman have been reported in The Wharf newspaper (*Police attempt to clarify Tower Hamlets election fraud trial decision*, 6 April 2016) as follows: “The Election Commissioner made his findings using the criminal standard of proof, but in doing so he used evidence that would not have been available in criminal proceedings. The MPS does not seek to disagree with the Election Commissioner’s reference to the standard of proof he applied in the High Court proceedings. This however has no impact on the CPS decision that there was insufficient evidence to proceed with a criminal prosecution.”

There is significant public interest in explaining as fully and clearly as possible the basis for the decision which has been made in this case. There has been ongoing and widespread coverage and public comment on allegations of electoral fraud at the May 2014 elections in Tower Hamlets, as well as the lengthy election petition trial which resulted in the former Mayor and one councillor being found guilty by an election court of corrupt and illegal practices and their elections declared void.

The Electoral Commission has previously made recommendations for the MPS about communicating the outcome of investigations into allegations of electoral fraud, in particular following allegations of fraud at the May 2012 elections in Tower Hamlets. We recommended in 2013 that the MPS should “review its communication strategy for future elections to ensure there is an appropriate balance between informing individual complainants about the outcomes of investigations, and providing more general assurance that the police are responding to concerns about electoral fraud and thoroughly investigating allegations.”

Without further information to explain the basis for this decision, we are concerned that voters and campaigners are unlikely to understand why no criminal prosecutions have been initiated following the election petition trial, and this may lead to a loss of confidence in the approach and commitment of the MPS and CPS to dealing with allegations of electoral fraud in future.

While we welcome the further clarification provided by the MPS earlier this month, I would be grateful if you could make available as much information as possible to help explain how the decision announced last month was reached. I have copied this letter to

the Director of Public Prosecutions, given her specific statutory role and duty to investigate electoral fraud allegations under section 181 of the RPA 1983.

We look forward to continuing to work closely with both the MPS and CPS and others to ensure appropriate plans are in place to prevent and detect fraud at future elections in London. This request for additional transparency is intended to support continued confidence in the efforts by the police and prosecutors and to ensure that, where it takes place, electoral fraud is detected and punished appropriately.

Yours sincerely

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

Claire Bassett
Chief Executive

cc Alison Saunders CB, Director of Public Prosecutions, Crown Prosecution Service