

Meeting of the

OVERVIEW & SCRUTINY COMMITTEE

Tuesday, 8 February 2011 at 7.00 p.m.

A G E N D A

VENUE

M71, 7th Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London,
E14 2BG

Members:	Deputies (if any):
Chair: Councillor Ann Jackson	
Vice-Chair: Councillor Ahmed Adam Omer	
Councillor Tim Archer	Councillor Peter Golds, (Designated Deputy representing Councillor Tim Archer)
Councillor Rajib Ahmed	
Councillor Lesley Pavitt	Councillor David Snowdon, (Designated Deputy representing Councillor Tim Archer)
Councillor Zenith Rahman	
Councillor Rachael Saunders	
Councillor Stephanie Eaton	
1 Vacancy	

[Note: The quorum for this body is 3 voting Members].

Co-opted Members:	
Mr Mushfique Uddin	– (Muslim Community Representative)
Vacancy	– Roman Catholic Diocese of Westminster Representative
Canon Michael Ainsworth	– (Church of England Diocese Representative)
Jake Kemp	– (Parent Governor Representative)
Rev James Olanipekun	– (Parent Governor Representative)
1 Vacancy	– Parent Governor Representative

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact:

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LONDON BOROUGH OF TOWER HAMLETS

OVERVIEW & SCRUTINY COMMITTEE

Tuesday, 8 February 2011

7.00 p.m.

SECTION ONE

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Chief Executive.

3. UNRESTRICTED MINUTES

3 - 14

To confirm as a correct record of the proceedings the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 11 January 2011.

4. REQUESTS TO SUBMIT PETITIONS

To be notified at the meeting.

5. REQUESTS FOR DEPUTATIONS

To be notified at the meeting.

6. SECTION ONE REPORTS 'CALLED IN'

There were no Section One reports 'called in' from the meeting of Cabinet held on 12th January 2011.

7. SCRUTINY SPOTLIGHT

Councillor Oliur Rahman, Cabinet Member for Children's Services, will attend to report on his portfolio.

(Time allocated – 30 minutes)

8. BUDGET AND POLICY FRAMEWORK

8.1 General Fund Revenue Budget and Medium Term Financial Plan 2011/12 - 2013/14

8.2 Capital Programme 2011/12 - 2013/14

Note:

The report and appendices comprising the General Fund Revenue Budget and Council Tax 2010/11 and Medium Term Financial Plan 2011/12 to 2013/14 and also the Capital Programme 2011/12 to 2013/14 are being circulated as a supplementary agenda pack in conjunction with the agenda for the Cabinet meeting of the 9 February 2011.

Please bring the supplementary pack to the Overview and Scrutiny meeting.

(Time allocated for agenda items 8.1 and 8.2 – 45 minutes)

9. OVERVIEW AND SCRUTINY MANAGEMENT

9.1 Scrutiny Challenge Session Report - Developing Efficient Customer Services (Pages 15 - 22)

(Time allocated – 10 minutes)

9.2 Regulation of Investigatory Powers Act (RIPA) Update (Pages 23 - 32)

(Time allocated – 10 minutes)

10. VERBAL UPDATES FROM SCRUTINY LEADS

Scrutiny Lead members will report on their portfolio areas.

(Time allocated – 10 minutes)

11. PRE-DECISION SCRUTINY OF SECTION ONE (UNRESTRICTED) CABINET PAPERS

To consider and agree pre-decision scrutiny questions/comments to be presented to Cabinet.

(Time allocated – 5 minutes).

12. ANY OTHER SECTION ONE (UNRESTRICTED) BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

13. EXCLUSION OF THE PRESS AND PUBLIC

In view of the contents of the remaining items on the agenda the Committee is recommended to adopt the following motion:

“That, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government Act, 1972.”

EXEMPT/CONFIDENTIAL SECTION (Pink Papers)

The exempt committee papers in the agenda will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

14. PRE-DECISION SCRUTINY OF SECTION TWO (RESTRICTED) CABINET PAPERS

To consider and agree pre-decision scrutiny questions/comments to be presented to Cabinet.

(Time allocated 5 minutes).

15. ANY OTHER SECTION TWO (RESTRICTED) BUSINESS THAT THE CHAIR CONSIDERS URGENT

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE FOR MEMBERS OF THE OVERVIEW & SCRUTINY COMMITTEE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

There are particular rules relating to a prejudicial interest arising in relation to Overview and Scrutiny Committees

- You will have a prejudicial interest in any business before an Overview & Scrutiny Committee or sub committee meeting where both of the following requirements are met:-
 - (i) That business relates to a decision made (whether implemented or not) or action taken by the Council's Executive (Cabinet) or another of the Council's committees, sub committees, joint committees or joint sub committees
 - (ii) You were a Member of that decision making body at the time and you were present at the time the decision was made or action taken.
- If the Overview & Scrutiny Committee is conducting a review of the decision which you were involved in making or if there is a 'call-in' you may be invited by the Committee to attend that meeting to answer questions on the matter in which case you must attend the meeting to answer questions and then leave the room before the debate or decision.
- If you are not called to attend you should not attend the meeting in relation to the matter in which you participated in the decision unless the authority's constitution allows members of the public to attend the Overview & Scrutiny for the same purpose. If you do attend then you must declare a prejudicial interest even if you are not called to speak on the matter and you must leave the debate before the decision.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE OVERVIEW & SCRUTINY COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 11 JANUARY 2011

**M71, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Councillor Ann Jackson (Chair)
Councillor Ahmed Adam Omer (Vice-Chair)

Councillor Tim Archer
Councillor Lesley Pavitt
Councillor Zenith Rahman
Councillor Rachael Saunders
Councillor Stephanie Eaton

Co-opted Members Present:

Canon Michael Ainsworth – (Church of England Diocese Representative)
Mr Ahbab Miah – (Parent Governor Representative)
Jake Kemp – (Parent Governor Representative)
Rev James Olanipekun – (Parent Governor Representative)

Other Councillors Present:

Councillor Oliur Rahman
Councillor Denise Jones
Councillor Ohid Ahmed
Councillor Alibor Choudhury
Councillor Bill Turner

Officers Present:

Afazul Hoque – (Scrutiny Policy Manager, Scrutiny & Equalities,
Chief Executive's)
David Galpin – (Head of Legal Services (Community), Legal
Services, Chief Executive's)
Mohammed Ahad – (Scrutiny Policy Officer, Scrutiny & Equalities,
Chief Executive's)
Hafsha Ali – (Acting Joint Service Head Scrutiny & Equalities,
Chief Executive's)
Michael Keating – (Service Head, Scrutiny & Equalities)
Isobel Cattermole – (Acting Corporate Director, Children, Schools &

	Families)
Lara Cerroni	– (Communications Officer)
Stephen Halsey	– (Corporate Director Communities, Localities & Culture)
Karen Badgery	– (External Funding & Commissioning Manager, Strategy Partnership & Performance, Children, Schools & Families)
Keith Williams	– (Head of Health Borough Programme)
Robin Beattie	– (Acting Head, Strategy & Resources, Communities Localities & Culture)
Andy Bamber	– (Service Head Community Safety, Communities, Localities & Culture)
Chris Saunders	– (Political Advisor to the Labour Group, Chief Executive's)
Saheed Ullah	– (New Projects Developments Manager, Children Schools & Families)
Amanda Thompson	– (Team Leader - Democratic Services)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

Councillor Oliur Rahman declared a personal and prejudicial interest in agenda item 6.1 on the basis that he was Member of the Cabinet when the original decision was taken, and he left the room during the Committee's decision making and voting on this item.

Rev James Olanipekun declared a personal interest in agenda item 9.1 as he had been involved in the submission of a 'Can Do' grant.

3. UNRESTRICTED MINUTES

The Chair **Moved** and it was:-

RESOLVED

That the unrestricted minutes of the meeting of the Overview and Scrutiny Committee held on 30 November 2010 be approved and signed by the Chair as a correct record of the proceedings subject to the inclusion of apologies for absence from Councillor Ahmed Adam Omer.

4. REQUESTS TO SUBMIT PETITIONS

None received.

5. REQUESTS FOR DEPUTATIONS

None received.

6. SECTION ONE REPORTS 'CALLED IN'

6.1 Report Called In - Children, Schools and Families - Contract Awards

The Chair, Councillor Ann Jackson, advised that as she had been one of the signatories to the call-in requisition, she would take no part in the decision making or voting on this item and would ask the Vice-Chair, Councillor Ahmed Adam Omer, to take the Chair during this time.

Further to his respective declaration of a personal and prejudicial interest, Councillor Oliur Rahman left the room during the Committee's decision making and voting on this item.

Councillors Ohid Ahmed and Alibor Choudhury who had not been present for the previous agenda item also left the room during this time.

At the request of the Chair, David Galpin, Head of Legal Services (Community) advised those present on the Council's call-in procedure.

Councillor Bill Turner on behalf of the Call-In Members referred to the reasons in their requisition and highlighted the main issues that they held with the Cabinet's provisionally agreed decision that the Acting Corporate Director – Children, Schools, and Families, be authorised to award the contracts for services to both Bupa and Allied Healthcare on behalf of the Authority.

Councillor Turner advised that the further detail provided to him by Mrs Cattermole had been very helpful, but this should have been included in the Cabinet report.

Councillor Turner stated that the report ultimately talked about awarding a care contract concerning vulnerable people to the private sector on the basis that it would provide a significant saving to the Council, and he asked whether this saving could be fully justified?

He further stated that disabled Bengalis required culturally matching care which local providers were able to give, and which a private company might not, and asked what safeguards and performance monitoring would be put in place to ensure continuity of care?

Councillor Turner then responded to questions from the Committee concerning the alternative course of action being proposed and the impact of any delays in the process, the fact that no local providers had submitted tenders, the switch to direct payments and the need to provide value for money.

He advised that the call-in was not necessarily asking for the contract to be re-tendered, but sought more information regarding how staff would be recruited, the possibility of smaller local companies being supported in order to win contracts, and whether or not contracting out was right for the Council.

Councillor Turner stated that smaller local companies were good at providing a service, but did not have the tendering ability of much larger companies. Also his main concern was whether or not existing service users would still be able to have the same carer. Value for money was also important but only if the level of service being obtained was the same.

Councillor Oliur Rahman, Cabinet Member for Children's Services, supported by Mrs Isobel Cattermole, Acting Corporate Director – Children, Schools and Families, then addressed the Committee on behalf of the Cabinet in response to the Call-in.

Councillor Rahman stated that his fundamental aim was to work with the services users, and if they were satisfied and happy then there was no real issue. The Council had consulted the service users, some of whom had been involved in the tender evaluation process, and they believed that they were still getting the best service. The Council had made a commitment to assisting all families who wished to remain with their existing carer with accessing direct payments, and there would be no restrictions on this.

Councillor Rahman stated that it was unclear what the call-in Members wanted the Cabinet to do as there was no concrete proposal.

He advised that no local providers had submitted tenders despite the offer of workshop sessions to assist them in making joint bids, and if a company wasn't even prepared to tender then he wasn't prepared to offer them a contract.

Councillor Rahman stated that he understood the importance of supporting the London Living Wage and recruiting local people, and the Council would work with the providers to ensure this.

Also no local companies were qualified to provide a nursing care service which had previously been obtained using spot purchasing. This had not achieved value for money and users had not got the service they deserved.

Councillor Rahman stated that as long as the service users were happy then so was he.

Committee Members then put detailed questions to Councillor Rahman on a number of issues concerning continuity of care, monitoring of the contract, the need for culturally matching care, local recruitment and the tender timescales.

Councillor Rahman advised that if children and their families opted to keep their current carer they would be able to do so as this would form part of the contract agreement. The services provided would be subject to very robust and strict monitoring which would be undertaken by the child's social worker.

The provision of culturally appropriate care would also form part of the contract agreement, and if anything went wrong then early termination of the agreement was very easy to do.

Councillor Rahman further advised that the two companies involved had indicated that they were willing to recruit locally to address issues of cultural matching.

The Committee was advised that the consultation process had commenced eighteen months ago and the tender process one year ago.

At this point the Chair asked Councillor Omer to Chair the remainder of the meeting as she was unable to take part in the discussion or vote.

Following the debate the Committee voted on whether to refer the item back to the Cabinet for further consideration and it was

RESOLVED:

- 1) That the alternative course of action proposed in the Call-in be not pursued and the decision of the cabinet be confirmed; and
- 2) That the Overview and Scrutiny Committee maintain a supporting role and include the item in the Annual Work Programme.

7. TRANSPORT FOR LONDON INVESTMENT PROGRAMME

This item was withdrawn as the representative from Transport for London was unable to attend the meeting.

8. SCRUTINY SPOTLIGHT

Councillor Ohid Ahmed, Deputy Mayor, gave a detailed presentation on aspects of his portfolio, focusing on areas set out below:-

Services covered by Deputy Mayor portfolio

- Highways & transport, street cleansing, waste, recycling, graffiti & flyposting removal, pest control, trading standards, licensing, markets &

street trading, parking, animal wardens, noise team, food hygiene, incontinence laundry, THEOs, drug and alcohol team, domestic violence, hate crime, ASB, CCTV, parks and open spaces, civil protection, smokefree environment team, mortuary

Highlights and successes

- Recycling rates increased from 19% to 26.5%
- Successful deployment of Tower Hamlets Enforcement Officers
- 5% drop in overall crime (952 fewer crimes)
- 409 arrests under the 'Dealer a Day' initiative.
- Successful introduction of first Cycle Super Highway network, and implementation of first London Cycle Hire Scheme docking stations
- Successful HLF bid for Victoria Park worth £4.55m
- Perception of parks, playgrounds and open spaces up by 8% to 61%
- Community payback teams at work across the borough
- 'Bike it' scheme won a London Transport Award
- Major parking enhancement programme
- Moving key partners rapidly towards the development and adoption of shared targets within a Public Realm strategy

Key Priorities 2011/12

Safer Communities

- Strategic Review of Community Safety and a new Crime & Drug Reduction Plan
- Adoption of Sexual Encounter Legislation
- Street Markets Strategy Implementation

Public Realm

- Parking Enhancement Programme
- Recycling Improvement Plan
- Waste Strategy
- London Cycle Hire Scheme Phase 2
- Winter Maintenance
- Victoria Park
- Integrated Public Realm & Safer Community Services

Members of Overview and Scrutiny Committee then posed a series of detailed questions to which Councillor Ahmed, supported by Mr Stephen Halsey, Corporate Director and Andy Bamber Service Head Community Safety, responded. The question and answer session was centred on the following points:

While the increase in recycling rates was reassuring, it was recognised that some residents were still unaware of how to recycle and that the 'pink' recycling bags needed to be provided more efficiently.

The Council was working with Registered Social Landlords (RSLs) and Arms Length Management Organisations (Almos) to try and ensure that anti-social behaviour on housing estates was being properly addressed, and this was

also part of the 'Great Place to Live Delivery Plan' and CLC localisation and joint tasking work with the Police.

In response to a query about why no visible examples of recycling were not presented to residents, Mr Halsey stated that while there was no obvious visible reward from recycling for residents, any reduction in the amount of waste going to landfill was a financial benefit to the Community as it reduced the need for expensive land fill and carbon allowances to offset land fill tonnage exceeding the very limited government target and the carbon emissions generated by the Borough. This would also lead the Council to becoming more environmentally sustainable as well as reducing the financial pressures-

In response to a complaint that the pavements had not been properly gritted during the snow it was stated that gritting had been maintained through the recent bad weather but no Council had the resources to grit every single road and pavement in the Borough. The Council had implemented a new Winter Maintenance programme which had ensured that other services such as waste collection had been able to operate, while carriageways were kept clear and traffic had been moving on priority routes. The Council had also stockpiled 2000 tons of grit, some of which had been provided by Transport for London, which would help in case of any future national grit shortage and more grit storage facilities were planned.

Provision for the ability to remove chewing gum from roads and pavements using a special surface coating was being included in street cleansing contracts.

Following a very poor inspection by the Audit Commission two years previously, the Crown Prosecution Service (CPS) had introduced the London Reform Programme and was now much improved. The CPS was now co-located within police stations enabling a more integrated prosecutions team, and virtual courts dealing with domestic violence were being embedded.

The focus of the new Crime and Drug Reduction Plan didn't just target dealers, but also the drug users themselves as often they committed crime to support their drug habits. Funding for the Drug Intervention Programme would still be provided, and the Tower Hamlets Partnership also funded the Drugs and Alcohol Awareness (DAAT) teams and provided outreach workers.

The savings proposals for Communities, Localities and Culture were fully detailed in a report going to the Cabinet the following evening, and these would focus on reviews of the Parking Service, Pest Control Service and supervised adventure play activities, highways income and efficiencies opportunities, the restructure/redesign of Enforcement functions, service integration and commercial waste income opportunities.

Graffiti continued to be a major challenge and the Public Realm Strategy aimed to bring together all major land owners with a view to tackling the problems jointly.

From April 2011 integrated enforcement, community safety and street cleansing services would be provided and staff would be based in the area enabling residents' requests and concerns to be dealt with more quickly.

The Chair thanked the Deputy Mayor and officers for his very detailed presentation.

9. OVERVIEW AND SCRUTINY MANAGEMENT

9.1 Reducing Childhood Obesity Scrutiny Review Update

Mr Keith Williams, Head of the Healthy Borough Programme, introduced the report which provided an update on the progress and work undertaken so far on securing sustainability of the work programme for addressing the environmental causes of obesity.

He reported that the recent Public Health White paper and the proposal to transfer public health improvement functions to local authorities by 2013 provided a potentially positive environment to consider how the programme could continue post March 2011 when the current funding would cease.

The Committee noted that once all the evaluation work had been completed the intention was to produce a comprehensive report pulling together all the evaluation highlights and evidence of learning with a set of recommendations to influence future strategic direction.

The Chair **Moved** and it was

RESOLVED

That the report be noted.

9.2 Building Schools for the Future Scrutiny Review Update

Mr Saheed Ullah, Development Officer for Building Schools for the Future(BSF), gave a brief update on the design principles and aspirations driving BSF in relation to reducing childhood obesity via the provision of new sports and dining facilities, and advised that it was not yet possible to outline the effects of new lunch room areas and uptake of school meals as the evaluation exercise had not yet been completed.

The Chair **Moved** and it was

RESOLVED

That the report be noted.

10. VERBAL UPDATES FROM SCRUTINY LEADS

Due to time constraints it was agreed that this item be deferred.

11. PRE-DECISION SCRUTINY OF SECTION ONE (UNRESTRICTED) CABINET PAPERS

The Chair **Moved** and it was –

RESOLVED

That the following Section 1 pre-decision questions be submitted to Cabinet on 1 December 2010 for consideration:

6.1 Proposed Cycle Hire Scheme extension (CAB 066/101)

- 1) LAP 5 has twelve cycle location areas, but only about 3-4 are in BowEast. Can you explain why this is?
- 2) Has the Council considered the option of partnering with RSLs and NHS Tower Hamlets to develop estate cycle routes for school journeys?

7.1 Update on Building Schools for the Future Programme including authorisation to enter into contracts: update on PFI and School Estate Strategy (CAB 068/101)

- 1) The new school planned for Bow looks to be dependent on DfE contribution which could well be less than costs, and result in Bow not getting a badly needed secondary school. As there has been a need for another school for some years, why were the plans not progressed sooner to avoid the now almost certain funding shortfall?

8.1 Borough-Wide Drinking Control Zone (CAB 069/101)

- 1) Will the introduction of a borough wide drinking control zone displace drinkers to other parts of London?
- 2) How will we ensure that our support to drinkers with dependency problems is much more effective to ensure we reduce the problem of displacement and people are given the support required?
- 3) What plans are there to work across east London to better understand the problem and develop a more co-ordinated and long-term response?

**10.1 General Fund Revenue Budget and Medium Term Financial Plan
2011/2012- 2013/2014 (CAB 070/101)**

- 1) Without the full Equalities Impact Assessment it is difficult to understand the full impact of the proposed savings on our community and in particular vulnerable sections of our community. Can the Cabinet therefore confirm when the full EQiA will be available?
- 2) What has been the monetary impact of the recent VAT increase?
- 3) In regards to paragraph 10.2 where the Council has discretion on what expenditure it incurs, it has chosen to curtail spending on Dementia Services and Learning Disabilities as they have yet to be fully commissioned, this along with a possible reduction in spending on Freedom passes does in fact seem to be reducing and providing in the first place support for the most vulnerable in the borough. Can the Cabinet outline how they are to make these savings and provide sufficient front line services.
- 4) What is the Council's response to the Hutton Commission and its possible forthcoming recommendation to rebalance the future costs of the Council's Pension Scheme between taxpayers and beneficiaries in favour of the taxpayer?
- 5) With reference to paragraph 14.3 of the report the resource available to fund capital programme is now heavily dependent on the sale of major assets and receipts from this source can therefore not be relied upon. Alongside this funding for the revenue budget which can also fund capital programme is very tight. Can the Cabinet outline how this has occurred and what is the plan to rebalance this if any?

**12. ANY OTHER SECTION ONE (UNRESTRICTED) BUSINESS WHICH THE
CHAIR CONSIDERS TO BE URGENT**

None.

13. EXCLUSION OF THE PRESS AND PUBLIC

The Chair **Moved** and it was: -

Resolved:

That in accordance with the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contained information defined as exempt or confidential in Part 1 of Schedule 12A to the Local Government, Act 1972.

The meeting ended at 9.00 p.m.

Chair, Councillor Ann Jackson
Overview & Scrutiny Committee

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Agenda Item 9.1

Committee	Date	Classification	Report No.	Agenda Item No.
Overview and Scrutiny		Unrestricted		9.1
Report of: Acting Joint Service Head, Scrutiny & Equalities Originating Officer(s): Keiko Okawa Scrutiny Policy Officer		Title: Scrutiny Challenge Session - Developing Efficient Customer Services Ward(s) affected: All		

1. Summary

- 1.1 This report updates the Overview and Scrutiny Committee on the outcome of the Scrutiny Challenge Session on Developing Efficient Customer Services held on 25 November 2010.

2. Recommendation

- 2.1 The Overview and Scrutiny Committee is asked to consider the outcomes of the scrutiny review and agree the recommendations in the report.

LOCAL GOVERNMENT ACT, 2000 (SECTION 97)

LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Background papers

Name and telephone number of and address where open to inspection

None

N/A

3. Introduction

- 3.1 This report provides a summary of the scrutiny challenge session on developing efficient customer services. This session considered efficient and effective access to customer services for all our residents.
- 3.2 The session was attended by 12 stakeholders, including residents. Councillors who attended the session were Cllr Rajib Ahmed (Chair), Cllr David Edgar, Cllr Ann Jackson, Cllr Zenith Rahman and Cllr Helal Uddin.

4. Purpose

- 4.1 Challenge sessions are designed as a quick way for a group of members to get to grips with key policy issues and to make recommendations for the further development of the policy.

The objectives of this scrutiny challenge session were to:

- Review and increase understanding of the Channel Strategy;
- Examine the efficiency of customer services through various channels;
- Further develop understanding of complaint management and its contribution to improvement of service delivery, and;
- Make recommendations for the further development of the policy.

- 4.2 The challenge session was structured as follows:

- Welcome and Introduction by Chair (Cllr Rajib Ahmed, Scrutiny Lead – Excellent Public Services);
- Presentation on Customer Access: achievements and challenges, and Complaints management (Claire Symonds, Service Head, Customer Access and ICT; Ruth Dowden, Corporate Complaints Manager);
- Questions and Discussion;

5. Background

- 5.1 Keeping customer access channels including telephone, online and in person available and easy to access is important for customer satisfaction with the council services. Over time, the capacity of different channels changes and customers' preference varies depending on their circumstances. Users of different channels have different needs, drivers and experiences to the channels, and customer access needs to be designed with these in mind. The use of the internet is the most cost effective channel although around a third of residents do not yet have internet access.¹

¹ A resident survey of 1,600 residents undertaken as part of the Channel Strategy (September 2009) development showed that 65% of the borough have access to the internet overall with 35% of the population claiming no access.

5.2 Currently, customers can access services through a variety of channels, including telephone, at the Council's five One Stop Shops (OSSs) and online. The Council has invested heavily in the successful development of its Customer Services offering and the Council's One Stop Shop and Contact Centre are well used and appreciated by customers.² The Contact Centre staff receive calls and pass customers' requests to relevant service teams and contractors. The Centre deals with many council services. Council Tax, Housing Benefits and Planning have their own specialist call centres. The OSSs deal with a wide range of services, including parking permits, Housing Benefits, Council Tax, social services, recycling and waste management. Its evaluation report in March 2010 acknowledged the service's dramatic improvement over the last two years with waiting times reduced from 37 minutes to seven minutes and customer satisfaction improving strongly.

5.3 The Channel Strategy identified the following categories of customers in the borough:

High Deprivation group (54%)

- Prefer One Stop Shops.
- Willing to try some services online in the future.
- Use a wide range of services, especially the Community Support type services and Benefits.
- Use housing repair services significantly.

Well Off group (29%)

- Do not often use the Council services.
- Usually access services
- Use parking permits, Streetline, a range of other one-off transactional services and Council Tax.

Modest Means group (17%)

- Use quite a lot of services, but not frequently.
- Usually access services by phone or on the Internet.
- Prefer not to go to OSSs for parking permits.
- Use more transactional services rather than the Community Support type services.

5.4 The challenge we face is to continue delivering effective customer services to all customers in light of the need to make significant efficiency savings. For example, the cost per customer per interaction at OSSs is nearly £9 while the cost of a transaction over the internet is minimal. However, the closure of OSSs could adversely and disproportionately affect the "High Deprivation" group members and older residents who have a preference for face-to-face contact.

5.5 For further service improvement, the Council takes complaints seriously and acts on them effectively. The complaint management is accredited with the Customer Service Excellence award. For example, 92% of complaints were dealt with within the target days at Stage 1 in 2009-10 (63% in 2007-08).

² 91% of customers were satisfied with the services of the Contact Centre (Oct 2010); 87% of OSS visitors were satisfied with the service they received (Oct 2010)

5.6 The Council monitors the progress and escalation of complaints and reports regularly to managers and members on issues raised and lessons learnt, and the complaints team regularly provide information for service planning, reviews and Equalities Impact Assessments. The Council is also exploring how best to improve the customer experience and enhance early, local resolution of issues.

6. Key discussion points

6.1 At the meeting, participants were given presentations by Claire Symonds (Service Head, Customer Access and ICT) on customer access and by Ruth Dowden (Corporate Complaints Manager) on the Corporate Complaints management.

6.2 Claire Symonds highlighted the customer access service's main achievements. They include:

- High levels of customer satisfaction across services such as Hot Line services, OSS and Web site
- High performance of the Contact Centre, OSS and the Complaints management
- Growing use of new on-line services including order of recycling bags and special refuse collections
- High performance in Revenues and Housing Benefit services.

6.3 In July 2010, the Council's contact centre customer surveys³ showed that over 90% of customers were satisfied with the services of all Hot line services including the Contact Centre, the Social Care and the Council Tax and 73% of customers were satisfied with the web site access. The Contact Centre, equipped with a new telephony system, considerably improved its performance between November 2009 and September 2010 – reducing the waiting time despite the increase of the number of incoming calls.

6.4 The Council offers more services through its website. For example, customers can now order recycling bags and special refuse collections via online. As a result, on-line request of these services have grown rapidly. Since then, recycling bags requests over the phone have decreased. However, telephone requests for special refuse collections remain at the same level. That may suggest that on-line service for special refuse collections enhanced accessibility of the services for customers. The presentation also highlighted that 1,300 customers have already registered with the Council Tax online self-service system, which was launched in April 2010. Regarding Housing benefits, live caseloads in the borough have been increasing; since April 2010, it has been 0.8% up and there are 38,446 cases. Housing benefit claims have been processed in average of 8.6 days and all appeals has been processed within the time limits set by the Department for Work and Pensions.

6.5 The challenges that the service is facing include:

- Further development of web-enabled services

³ The surveys are undertaken after each call.

- Reducing repeat calls and avoidable contact
- Meeting increased demand with reduced resources
- Planning for the future – the impact of the budget cuts.

All of these challenges relate to the budget cuts. It was stressed that the customer service cost via online is minimal, compared to other channels including face-to-face. Increasing web use has a huge potential for reducing cost and meeting increasing demand. A customer survey of the Channel Strategy shows residents' high willingness to the web use. For example, while 5% of the High Deprivation group members currently use the web to access the Council service, 50% of them are willing to use it. Over 10% of the Modest means and the Well off groups members currently use online, but over 60% of them are willing to use the web. Reducing repeat calls can also save resources for the customer services. It was noted that most of repeated calls and avoidable contacts were on unresolved housing repairs.

- 6.6 The current economic climate could cause more service demand e.g. more Housing Benefit claimants. A challenge is to meet the increased demand with reduced resources. In the light of the budget cuts and the changing environment around the public sector, what the council service would look like in 5 years time is still unclear.
- 6.7 Combining services at a facility could improve customer access. The newly planned Idea Store Watney Market, containing the functions of the Cheviot House OSS and Watney Market Library, is expected to be run with less cost than the aggregate of the current two facilities. A similar facility is planned for the Poplar HARCA Chrisp Street redevelopment.
- 6.8 Ruth Dowden highlighted achievements, issues and improvement initiatives of the complaints management. Corporate complaints have been handled effectively and efficiently. The Council's complaints management has been accredited externally since 2004 and the Local Government Ombudsman has been provided positive feedback annually. 92% and 95% of Stage 1 complaints were completed in time in the first and second quarters respectively. Compared to other London boroughs, the Council pays much less compensation money despite relatively high number of complaints dealt with by the Local Government Ombudsman.
- 6.9 The escalation rates to Stage 2 reduced from 15.4% to 15%; to Stage 3 from 6.9% to 5.4% due to service's quality checking. It was noted that escalated complaints were made for ongoing issues including unresolved housing repairs (e.g. water penetration), continual Anti-Social Behaviour, noise nuisance and missed waste collection.
- 6.10 For further improvement of the complaints management, it was highlighted that the Council needed to:
- Find better ways of following these ongoing and often multi-faceted problems
 - Ensure that affected person knows in detail at the onset the range of options that might need to be followed
 - Find the constraints to the council (e.g. access to leasehold property; evident gathering)

- Find when to escalate their concerns and that an officer makes regular contact to update them and offer assurance that the matter is progressing.

6.11 Suggested improvement initiatives included:

- Improved liaison with complainants for all complaints (minimum contact of a phone call, possible visit/meeting)
- Resolving simple matters ahead of target
- Initial handling requirements for more complex complaints
- Measures for scoping multi-faceted issues and managing expectations
- Measures for coordinating complex and multi-faceted issues.

7. Recommendations

7.1 All participants agreed with the importance of effective and efficient customer access and most of the discussion focused on how to reduce the cost of the customer services and maintain its effectiveness. Participants stressed the possibility of the web use. As above, the cost of a transaction over the internet is minimal and customers' willingness to the web use is high. It was noted that the Council was implementing the renewal of parking permits and benefit claims via online.⁴ As the service achieved in the area of recycling bags requests, the channel shift from other channels including face-to-face and telephone to the internet is desirable.

Recommendation 1 – That the Council continue to offer customers online services and promote web use to access the Council services.

7.2 Currently, approximately a third of residents do not yet have internet access. These residents can use computers with internet access at public facilities including OSSs and Idea Stores. However, some residents do not know how to use computers and to connect the internet. Participants stated that there was a possibility to encourage such residents to access the council services via online. Participants suggested that community-based organisations including social landlords, voluntary and community organisations and community centres that have computers and internet access could help them access the services via online, including providing them with training sessions.

7.3 Participants highlighted future opportunities and challenges in the customer services. Participants stated that the Council may need to look into possibilities and implications of new technologies, such as smartphones, for customer services. They agreed with the benefits of combined services, such as Idea Store Watney Market, and also noted the benefit arising from joining-up services at the customer level including health and housing.⁵ As an idea, it was suggested leaving recycle bags at GP surgeries and community centres.

⁴ Parking permits and housing benefits occupy the first and second transactions at OSSs.

⁵ One of the recommendations of the Marmot review into health inequalities, *Fair Society, Healthy Lives* (2010) is that housing policies should be integrated locally with health, alongside planning, transport and environmental policies to address social determinants of health, since health inequalities arise from a complex interaction of many factors, including housing, income and education. The recent NHS White Paper, *Equity and excellence: Liberating the NHS* presents the housing sector with an opportunity to establish a role in

Recommendation 2 – That the Council continue to encourage customers, including those who do not currently use the internet, to use efficient means of accessing services.

- 7.5 Participants touched upon specific issues that can be many residents' concern: anti-social behaviour (ASB) and dog faeces. Continual ASB may cause repeated contacts and complaints to the Council. Often, residents are frustrated by the Council's response to ASB. In many cases, there are gaps between customers' expectation of the Council's response – they expect that the Council acts like the police – and the Council's role. In housing estates, residents often find that the responsibilities of cleaning of dog faeces are unclear, because of 'boundaries' of responsibilities between organisations, such as the Council or Social Housing Landlords. Although dog faeces bags are provided at OSSs, it was suggested that the bags could be provided in housing estates for residents to clean by themselves.

Recommendations 3 – That the Council continue to find solutions to customers' problems in cooperation with relevant stakeholders and publicise the Council's role to manage customers' expectations.

8. Conclusion

- 8.1 The Challenge Session was an opportunity for Councillors and other stakeholders to understand issues around efficient and effective access to customer services for all our residents. It was noted that the Council's customer services across a variety of channels and the complaints management were handled effectively and efficiently. The challenge of the council is to continue delivering effective customer services to all customers in light of the need to make significant efficiency savings.
- 8.2 Participants extensively discussed how to reduce the cost of the customer services and maintain its effectiveness. The recommendations focused on promoting the web use for the Council's services among customers, improve customer services and reduce the customer service cost in the rapidly changing environment, and providing solutions to customers' problems in cooperation with relevant stakeholders.

9. Concurrent Report of the Assistant Chief Executive (Legal)

- 9.1. The Council is required by section 21 of the Local Government Act 2000 to have an Overview and Scrutiny Committee and to have executive arrangements that ensure the committee has specified powers. Consistent with this obligation, Article 6 of the Council's Constitution provides that the Overview and Scrutiny Committee may consider any matter affecting the area or its inhabitants and may make reports and recommendations to the Full Council or the Executive in connection with the discharge of any functions. It is consistent with the Constitution and the statutory framework for the executive to provide a response.

achieving improved health outcomes. This current thinking may impact on the role of the frontline customer services.

9.2. The report makes recommendations concerning the development of efficient customer services. This is relevant to discharge of many of the Council's statutory functions. It may also be relevant to the Council's obligations as a best value authority under section 3 of the Local Government Act 1999. That provision requires the Council to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness".

10. Comments of the Chief Financial Officer

10.1 This report describes outcome of the Scrutiny Challenge Session on Developing Efficient Customer Services held on 25 November 2010.

10.2 Recent government announcements about funding reductions to the Council in 2010-11 and for the next four years will affect any recommendations agreed and any additional costs that arise from the recommendations must be contained within directorate revenue budgets. Also, officers will be obliged to seek the appropriate financial approval before further financial commitments are made.

11. One Tower Hamlets Considerations

11.1 Ensuring all customers' easy access to customer services will help alleviate poverty and inequality. Heavy users of the council services are predominantly from the "High Deprivation" group of the community and it is this groups that will benefit most from enhanced efficiency of access to appropriate services.

12. Risk Management

12.1 There are no direct risk management actions arising from this report.

Agenda Item 9.2

Committee	Date	Classification	Report No.	Agenda Item No.
Overview and Scrutiny	8 February 2011	Unrestricted		9.2
Report of: Assistant Chief Executive (Legal Services) Originating Officer(s): David Galpin Head of Legal Services – Community		Title: Regulation of Investigatory Powers Act (RIPA) Update Ward(s) affected: All		

1. Summary

- 1.1 This report updates the Overview and Scrutiny Committee on the Council's use of the Regulation of Investigatory Powers Act 2000 ("RIPA").

2. Recommendation

- 2.1 The Overview and Scrutiny Committee is asked to consider and comment on the information contained in Appendix 1.

3. Background

- 3.1. The report to the Standards Committee of 18 January 2011 is contained in Appendix 1. The report sets out relevant information on RIPA, together with legal and finance comments and information about One Tower Hamlets and risk management.

LOCAL GOVERNMENT ACT, 2000 (SECTION 97)

LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Background papers

Name and telephone number of and address where open to inspection

None

N/A

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Committee: Standards	Date: 18 January 2011	Classification: Unrestricted	Report No:	Agenda Item:
Report of: Assistant Chief Executive (Legal Services) Originating officer(s) David Galpin, Head of Legal Services - Community		Title: Covert investigation under the Regulation of Investigatory Powers Act 2000 Wards Affected: All		

1. **SUMMARY**

- 1.1. The codes of practice issued by the Home Office in relation to Part 2 of the Regulation of Investigatory Powers Act 2000 ("RIPA") recommend that elected members have oversight of the Council's use of these provisions. The Standards Committee's terms of reference enable the committee to receive reports on the Council's authorisation of covert investigations under RIPA.

2. **DECISIONS REQUIRED**

Standards Committee is recommended to:-

- 2.1. Consider and comment upon the information provided in the report, particularly the authorisation information in Appendix 1

3. **BACKGROUND**

3.1. **Covert investigation and RIPA**

- 3.2. The Council has broad statutory functions and takes targeted enforcement action in relation to those functions, having regard to the Tower Hamlets Community Plan, the local area agreement, the Council's Local Development Framework, any external targets or requirements imposed under relevant legislation and the Council's enforcement policy. There may be circumstances in the discharge of its statutory functions in which it is necessary for the Council to conduct directed surveillance or use a covert human intelligence source for the purpose of preventing crime or disorder.

- 3.3. RIPA was enacted to provide a framework within which a public authority may use covert investigation for the purpose of preventing or detecting crime or of preventing disorder. It is designed to ensure that public authorities do not contravene the obligation in section 6(1) of the Human Rights Act 1998 not to act in a way which is incompatible with an individual's rights under the European

Convention on Human Rights (“ECHR”). It is particularly concerned to prevent contravention of the qualified right in Article 8 of the ECHR to respect for private and family life, home and correspondence.

3.4. The Council’s use of RIPA

3.5. The Assistant Chief Executive (Legal Services) (“ACE”) is the Senior Responsible Officer for ensuring the Council complies with RIPA. The Head of Legal Services (Community) (“HLS”) is her deputy.

3.6. The Council has policies on the use of directed surveillance or covert human intelligence sources. The current versions of these policies were approved by Cabinet on 8 September 2010, as appendices to the Council’s enforcement policy. The Council also has in place guidance manuals to assist officers in the authorisation process. The policies and guidance are designed to help the Council comply with RIPA and the Codes of Practice issued by the Home Office in relation to directed surveillance and the use of covert human intelligence sources.

3.7. The Council's priorities for using RIPA, as specified in its policies are -

- Anti-social behaviour
- Fly-tipping
- Unlawful street vending of DVDs and tobacco
- Underage sales of knives, tobacco, alcohol and fireworks
- Fraud, including misuse of disabled parking badges and claims for housing benefit
- Illegal money-lending and related offending
- Breach of licences.

3.8. In accordance with the Council's policies and manuals, a central record is maintained in Legal Services of all authorisations granted to carry out either directed surveillance or to use covert human intelligence sources (authorisations under Part 2 of RIPA). To date this year, all applications for authorisation have been received from the Council’s Communities Localities and Culture directorate (“CLC”).

3.9. The Council provides an annual return to the Office of Surveillance Commissioners (“OSC”), based on the central record. The OSC is due to conduct an inspection of the Council’s use of Part 2 of RIPA, which has been proposed for 19 January 2011.

3.10. In order to ensure that applications for RIPA authorisation are of an appropriate standard, the Council's policies and manuals provide that all applications for authorisation to conduct directed surveillance or to use covert human intelligence sources should be considered by a gatekeeper before being passed on to the

authorising officer. The Council has a single gatekeeper (the Head of Enforcement & Support Intervention within the Community Safety Service). In the absence of the Head of Enforcement & Support Intervention, the HLS may act as gatekeeper. The gatekeeper must work with applicant officers to ensure an appropriate standard of applications, including that applications use the current template, correctly identify known targets and properly address issues of necessity, proportionality and collateral intrusion.

3.11. The Council has a single authorising officer (Service Head - Community Safety), who has responsibility for considering applications to use directed surveillance or covert human intelligence sources. The policies provide that the Head of Internal Audit may stand in for the Service Head - Community Safety where the ACE or HLS consider it necessary.

3.12. The Council's policies and manuals require officers who apply for RIPA authorisations to expeditiously forward copies of authorisations, reviews and cancellations to Legal Services for the central record. The HLS attends fortnightly at CLC's internal deployment meetings to ensure the central record is being kept up to date. Representatives of each service area in CLC attend these meetings. The Council's authorising officer and gatekeeper attend. The meetings provide an opportunity to check the status of applications and authorisations under RIPA and a forum at which officers may present any operations plans where covert investigation may be required and seek a steer from those at the meeting.

3.13. The Council's RIPA applications

3.14. In the third quarter of 2010/2011, Legal Services granted 2 unique reference numbers for proposed RIPA applications: CS0018 and CS0019. Out of these matters –

- 1 authorisation was granted (CS0018)
- 1 application has still not been passed by the gatekeeper (CS0019).

3.15. A summary of the single authorisation is contained in Appendix 1.

4. COMMENTS OF THE CHIEF FINANCIAL OFFICER

4.1 This is a report of the Council's use of the Regulation of Investigatory Powers Act 2000 ("RIPA") to the Standards Committee. There are no financial implications arising from the recommendations in this report.

5. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

5.1. Legal implications are addressed in the body of the report.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1. Enforcement action that complies with the five principles expressed in the Council's enforcement policy should help to achieve the objectives of equality and personal responsibility inherent in One Tower Hamlets.
- 6.2. The enforcement policy should enhance Council efforts to align its enforcement action with its overall objectives disclosed in the Community Plan and other key documents such as the local area agreement and the Local Development Framework. For example, one of the key Community Plan themes is A Great Place to Live. Within this theme there are objectives such as reducing graffiti and litter. The enforcement policy makes clear the need to target enforcement action towards such perceived problems. At the same time, the enforcement policy should discourage enforcement action that is inconsistent with the Council's objectives.
- 6.3. The exercise of the Council's various enforcement functions consistent with the enforcement policy and its principles should also help achieve the following key Community Plan themes –
 - A Safe and Supportive Community. This means a place where crime is rare and tackled effectively and where communities live in peace together.
 - A Great Place to Live. This reflects the aspiration that Tower Hamlets should be a place where people enjoy living, working and studying and take pride in belonging.
 - A Prosperous Community. This encompasses the objectives of reducing worklessness, supporting learning opportunities and fostering enterprise.
- 6.4. An Equality Impact Assessment was prepared prior to approval of the enforcement policy by Cabinet on 8 September 2010. Enforcement action may lead to indirect discrimination in limited circumstances, but this will be justified where the action is necessary and proportionate. Necessity and proportionality are key considerations in respect of every application for authorisation under RIPA.

7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 7.1. The enforcement policy seeks to target the Council's enforcement action in accordance with the Community Plan. The Community Plan contains the Council's sustainable community strategy for promoting or improving the economic, social and environmental well-being of Tower Hamlets and contributing to the achievement of sustainable development in the United Kingdom. To the extent that the enforcement policy aligns enforcement action with the Community Plan it will tend to promote sustainable action for a greener environment.

8. **RISK MANAGEMENT IMPLICATIONS**

8.1. Enforcement action carries with it a variety of inherent risks, including the potential for allegations of over- or under-enforcement, discrimination, adverse costs orders and damage to the Council's reputation. It is considered that proper adherence to RIPA, the codes of practice, the Council's policies and guidance will ensure that risks are properly managed. Oversight by the Standards Committee should also provide a useful check that risks are being appropriately managed.

9. **EFFICIENCY STATEMENT**

9.1. The report does not propose any direct expenditure. Rather, it is concerned with regularising decision-making in areas in which the Council is already active. The enforcement policy seeks to ensure that enforcement action is targeted to the Council's policy objectives. This is more likely to lead to efficient enforcement action than a less-controlled enforcement effort. It is also proposed that members will have an oversight role through the Standards Committee. This will provide an opportunity to judge whether the Council's enforcement action is being conducted efficiently.

**Local Government Act, 1972 Section 100D (As amended)
List of "Background Papers" used in the preparation of this report**

Brief description of "back ground papers"	Name and telephone number of holder and address where open to inspection.
None	N/A

12. APPENDICES

Appendix 1 – Summary of Quarter 3 RIPA authorisations

APPENDIX 1 - SUMMARY OF QUARTER 3 RIPA AUTHORISATIONS

CS0018	Summary information
Service area:	Trading Standards
URN granted:	12 October 2010
Application on correct form?	Yes
Date of gatekeeper clearance:	22 October 2010
Date of authorisation:	22 October 2010*
Expiry date and time:	22 January 2011 at 2359*
Scheduled review date(s):	25 October 2010
Dates of reviews:	25 October 2010
Cancellation:	25 October 2010
Total time open:	3 Days
Type of covert investigation:	Directed surveillance (use of covert recording equipment as part of test purchases)
Subject matter of investigation:	Illegal tobacco sales in the Brick Lane/Sclater Street area/
Necessity:	Intelligence showed potential offences being committed against the following: section 12 of the Consumer Protection Act 1987 (product labelling requirements for tobacco products); section 92 of the Trade Marks Act 1994 (counterfeit products); and section 38 of the London Local Authorities Act 1990 (street trading without a licence). Identification of the seller is essential and generally requires more than the word of the purchaser. Unlawful sales are widespread and have a detrimental effect on the area and persons who shop there. As a result of prior enforcement action, sellers have become more aware, trading away from overt cameras and not holding product on their persons.
Proportionality:	Recordings will be made in a public market. Unlawful sales are widespread and have a detrimental effect on the area and persons who shop there.
Collateral intrusion:	There was limited chance of collateral intrusion from the covert camera due to its range and the experience of the operator.
Outcome:	No sales were obtained. There was an overt police operation targeting illegal bike sellers in the area at the same time and tobacco sellers were recorded as being

	too on edge.
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* There appears to be a recording error on the authorisation form in relation to dates.