



## Standards Committee

Date: 8 January 2013  
Time: 6.15 pm  
Venue: Council Chamber  
District Council Offices, Queen Victoria Road, High Wycombe Bucks

### Membership

Chairman Councillor Mrs L M Clarke  
Vice Chairman Councillor Ms J D Wassell

Councillors: D J Carroll, Mrs G A Jones, Ms R Knight, J L Richards OBE, J A Savage and D A C Shakespeare OBE

Independent Persons (Observers):  
Revd G Hargrove and Mrs E Springford

Parish Council Observers: Parish Cllr D Banfield, Parish Cllr J Sherlock and Parish Cllr Mrs V Smith

---

## Agenda

Item		Page
1	<b>MINUTES OF PREVIOUS MEETING</b>	1
2	<b>APOLOGIES FOR ABSENCE</b>	1
3	<b>DECLARATIONS OF INTEREST</b>	1
4	<b>Dispensations re Council Tax setting</b>	3 - 4
5	<b>Complaints, Compliments &amp; Comments Quarter 2</b>	5 - 20
6	<b>SUPPLEMENTARY ITEMS</b>	21
7	<b>URGENT ITEMS</b>	21

**For further information, please contact Peter Druce 01494 421210,  
peter\_druce@wycombe.gov.uk**

# Agenda Item 1

## **APOLOGIES FOR ABSENCE**

To receive apologies for absence.

# Agenda Item 2

## **DECLARATIONS OF INTEREST**

To receive any disclosure of disclosable pecuniary interests by Members relating to items on the agenda. If any Member is uncertain as to whether an interest should be disclosed, he or she is asked if possible to contact the District Solicitor prior to the meeting.

Members are reminded that if they are declaring an interest, they should state the nature of that interest whether or not they are required to withdraw from the meeting.

# Agenda Item 3

## **MINUTES OF PREVIOUS MEETING – 12 NOVEMBER 2012**

To confirm the Minutes of the meeting held on 12 November 2012 (previously circulated)

This page is intentionally left blank

# Agenda Item 4

## **COUNCIL TAX SETTING 2013 – DISPENSATIONS UNDER THE LOCALISM ACT 2011**

Officer contact: David Ruddock, District Solicitor and Monitoring Officer

DDI: 01494 421252

Wards affected: All

### ***PROPOSED DECISION***

The Committee is asked to delegate authority to the Monitoring Officer under section 33 of the Localism Act 2011, in consultation with one of the Independent Persons appointed by the Council, to grant dispensations to District and Parish Council members in relation to the setting of Council Tax, such dispensations to apply for the remainder of the Council term, i.e. until May 2015.

### ***Reason for Decision***

In order to avoid any possibility that members taking part in the setting of Council Tax could be voting on a matter in which they have a disclosable pecuniary interest, it is recommended that the Monitoring Officer be given delegated authority to grant dispensations in relation to the setting of Council Tax.

### **Corporate Implications**

Under section 33 of the Localism Act, dispensations may be granted by the Council, the Standards Committee or by the Monitoring Officer.

### **Background and Issues**

1. The provisions on members' interests, and the granting of dispensations for members with interests were significantly changed by the Localism Act 2011. Dispensations can now be granted in the following circumstances:
  - That so many members of the Council have disclosable pecuniary interests in a matter that it would impede the transaction of the business. In practice this means that the Council would be inquorate as a result;
  - That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
  - That the Council considers that the dispensation is in the interest of persons living in the authority's area;
  - That without the dispensation no member of the Cabinet would be able to participate in the matter; or
  - That the Council considers that it is otherwise appropriate to grant a dispensation.

2. Any grant of a dispensation must specify how long it lasts, up to a maximum of four years.
3. Under the former legislation, dispensations were granted by the Standards Committee. The Localism Act 2011 gave discretion for this power to be delegated either to the Standards Committee or a sub-Committee, or to the Monitoring Officer. On 31 July 2012 the Council resolved to delegate the power to grant dispensations to the Standards Committee, after consultation with the Independent Person.
4. Unfortunately the Disclosable Pecuniary Interest Regulations issued by the Government in June 2012 do not contain an express exemption for setting Council Tax or parish precepts under the Local Government Finance Act 1992. Members may recall that the old model Code of Conduct did include such an express exemption.
5. Therefore, it is a matter of interpretation whether members have a Disclosable Pecuniary Interest in the decision to set the Council Tax as a result of any beneficial interest they may have in land within the District. The same issue arises for town and parish councillors in respect of setting the parish precept.
6. In response to a request for guidance on the matter, the Department of Communities and Local Government have expressed the view that although the DPI Regulations should not prevent members from speaking and voting on the Council Tax setting, this is a matter of legal interpretation.
7. Although the Monitoring Officer does not believe that voting on Council Tax setting gives rise to a disclosable pecuniary interest, it is criminal offence for members to speak and vote on a matter in which they have a disclosable pecuniary interest unless they have been granted a dispensation under section 33 of the Act. In view of the uncertainty and attendant risk that members could be committing an offence under the Act, Monitoring Officers in Buckinghamshire are advising members to request an appropriate dispensation.
8. In order to deal with the matter as quickly as possible without having to revert to the Committee it is recommended that the Committee delegate authority to the Monitoring Officer, in consultation with one of the Independent Persons appointed by the Council, to grant dispensations to members in this instance. To avoid having to make similar requests annually it is recommended that this dispensation is for the remainder of the Council term, i.e. until May 2015.

## **Background Papers**

Part 1 of the Localism Act 2012 and associated Government guidance.

# Agenda Item 5

## **Complaints/Comments/Compliments - Information and Improvements**

Contact Officer: Jean Roberts

Ext: 3202

### **Recommendation**

The Standards Committee is asked to:

Note the attached data and charts for the period 1 July-30 September 2012 (Quarter 2).

### **Corporate Implications**

The establishment and maintenance of complaints procedures is conducive to the discharge of the Council's various functions and as such are authorised by Section 111 of the Local Government Act 1972.

There are no financial implications.

A robust complaints procedure assists in minimising the risks to the Council arising from complaints.

### **Background**

Quarterly information is supplied to all business units which record complaints, comments or compliments on ServiceMail, and after consultation with managers, composite information for Strategic Management Board. Further complaints statistics are also incorporated as Local Performance Indicators by the Policy and Research Unit.

### **Report**

The information and charts for the quarter are attached herewith, together with a summarised report on LG Ombudsman complaints to 30<sup>th</sup> October 2012. The target for complaints to be responded to in target is 90%.

(a) Answering complaints within target (10 working days):

This quarter there was a total percentage of complaints within target of 97%, an excellent quarter and substantially above target.

(b) Review of Complaints and Improvements as a result of complaints:

For this quarter there are 2 improvements recorded, one for Housing Applications and one for Refuse services.

(c) Complaints to the LG Ombudsman:

There have been no findings of maladministration. There is one current ongoing Ombudsman enquiry [*N.B. now discontinued*].

(d) Compliments Logging

The total for compliments logged is 89 for this quarter, and the service area with the most compliments is off-street parking with 20. Service areas coming second with 15 compliments are Environmental Health and the Customer Service Centre. This is a very good result for the services concerned.

**Current Issues**

- (1) As from 1<sup>st</sup> April 2013, under the Localism Act our councillors will form part of the “democratic filter” for the Housing Ombudsman, for housing complaints covering all services apart from temporary housing and housing applications. This means that complainants who have taken their complaints through the relevant HA complaints procedure and wish the complaint to progress to the Housing Ombudsman, will have to ask either a councillor, an MP or a designated Tenants Panel to forward it for them. I have made contact with Red Kite initially as we will need to provide information and possibly a protocol so that our councillors are aware of this and know what to do when contacted by a resident.
- (2) Automated phone system: Regular meetings between CSC, Council Tax, Mark Lansbury and I are taking place and we are working through all of the phone scripts for every option to streamline and simplify them for the customers. These are being done in the order of popularity and importance. In addition, the standard letters regarding Council Tax are being reviewed to tie in with the phone options so that customers can easily understand and use the phone system to their advantage.

**Background Papers**

“Have We Got It Right” leaflet for the public.



# Agenda Item 5 Appendix A

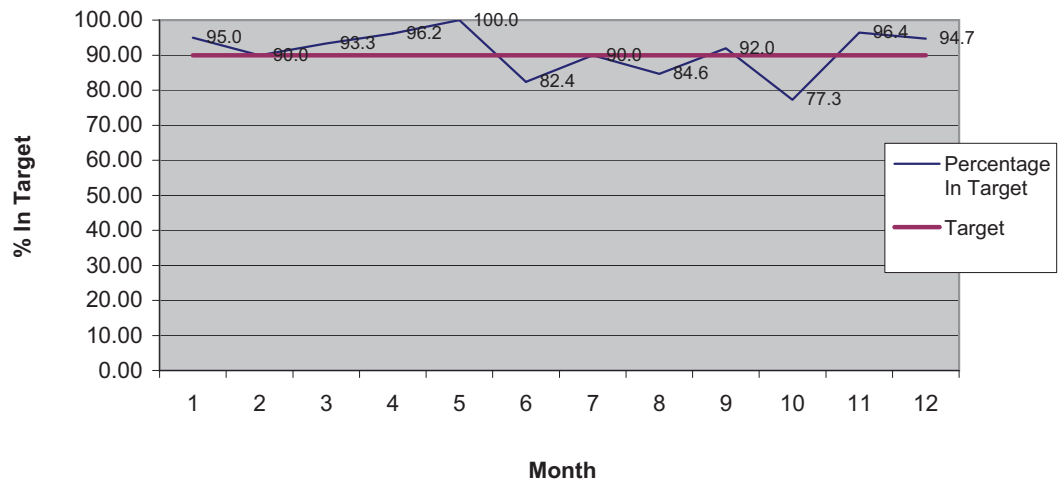
<b>Items by Type by Business Unit by In Target between 01/07/12 and 30/09/12</b>		
		<b>Total</b>
<b>Comments</b>		
Customer Service Centre	In Target	6
Green Space Contracts	Out of Target	1
Sports Centres Client	In Target	1
<b>Total for Comments</b>		<b>9</b>
<b>Complaints</b>		
Council Tax	In Target	11
Customer Service Centre	Out of Target	1
	In Target	15
Development Management	In Target	14
Elections/Land Charges	In Target	2
Environmental Health	In Target	2
Green Space Contracts	In Target	2
Housing Applications	Out of Target	1
	In Target	2
Housing Benefit	In Target	2
Housing Development	In Target	1
Information Systems	In Target	1
Internal Audit and Risk Management	In Target	1
Ranger Services	In Target	1
Refuse	In Target	1
Spatial Planning	In Target	2
Sports Centres Client	In Target	3
<b>Total for Complaints</b>		<b>62</b>

<b>Items by Type by Business Unit by In Target between 01/07/12 and 30/09/12</b>		
		<b>Total</b>
<b>Compliments</b>		
Building Control	In Target	1
Cohesion	In Target	1
Communications	In Target	1
Community Safety	In Target	5
Council Secretariat	In Target	1
Customer Service Centre	In Target	15
Demo & Legal HoS & PA/Complaints Officer	In Target	1
Development Management	In Target	10
Elections/Land Charges	In Target	5
Environmental Health	In Target	15
Green Space Contracts	In Target	3
Housing Management	In Target	1
Parking - Off-street	In Target	20
Policy & Communications	In Target	1
Ranger Services	In Target	3
Refuse	In Target	1
Sports Centres Client	In Target	2
Sports Development	In Target	3
<b>Total for Compliments</b>		<b>89</b>
<b>Internal Client Compliments</b>		
Council Secretariat	In Target	1
Green Space Contracts	In Target	1
<b>Total for Internal Client Compliments</b>		<b>2</b>

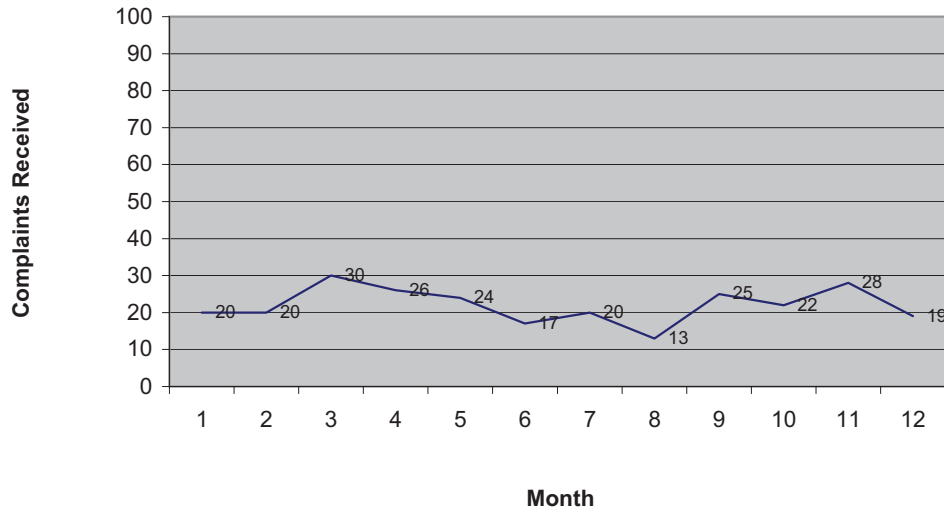
Service Improvements from 01/07/12 to 30/09/12

Business Unit			Subject	Improvement
Housing Applications				
	Complaint	10354	Administration of Housing Application	Improvements to duty appointment system
Refuse				
	Complaint	10360	Bin collection	Discussions held with contractor

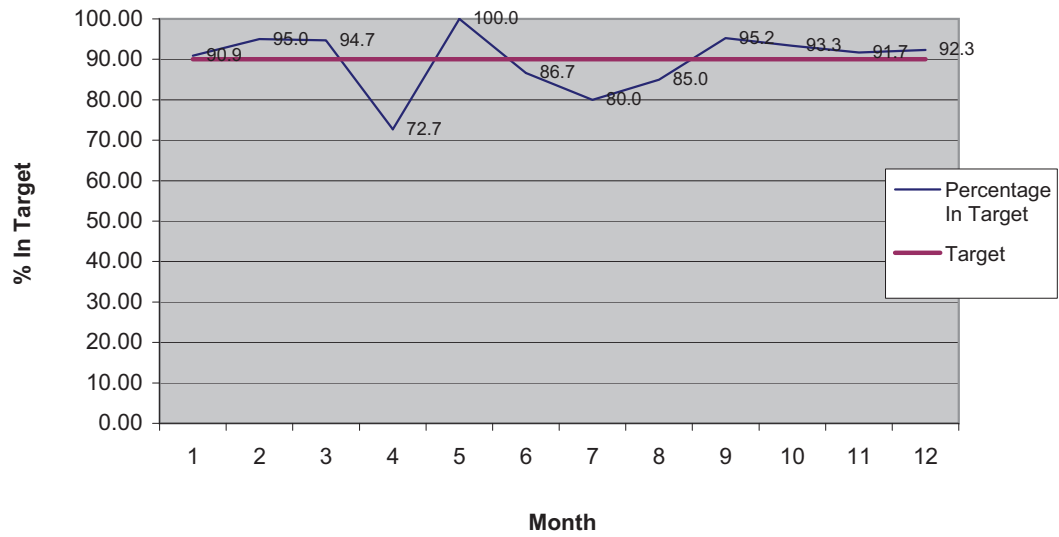
### WDC Complaints in target 2010



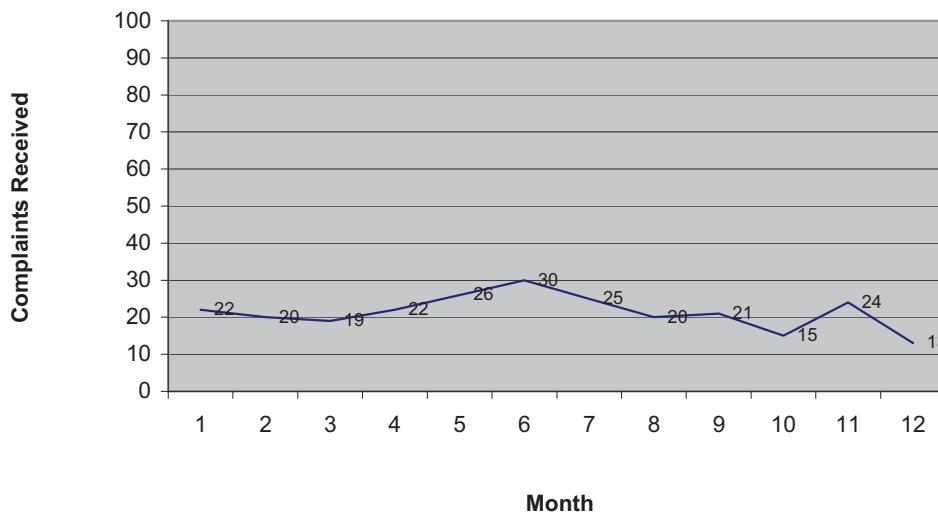
### WDC Complaints Received 2010



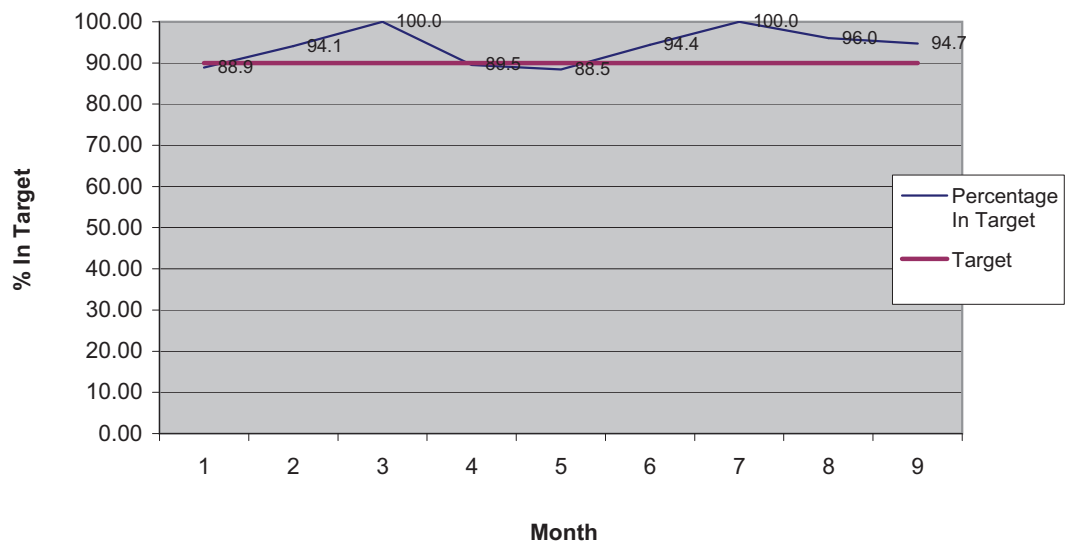
### WDC Complaints in target 2011



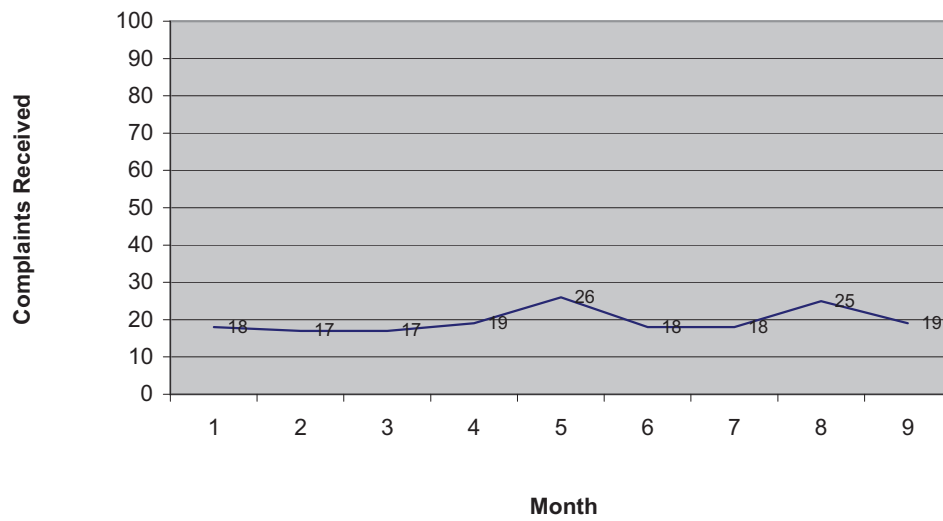
### WDC Complaints Received 2011



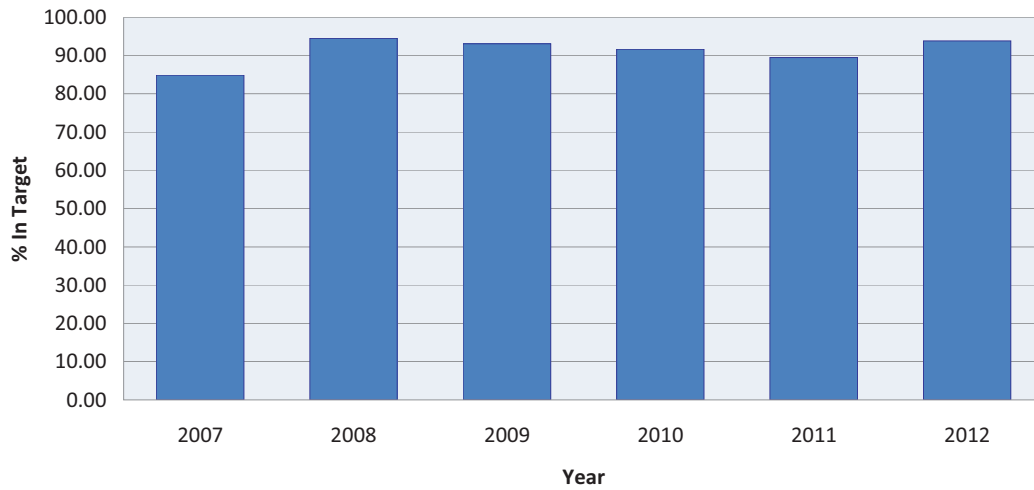
### WDC Complaints in target 2012



### WDC Complaints Received 2012



## WDC Complaints In Target 2007 - 2012



**Wycombe District Council  
Complaints/Compliments - Year on Year  
Comparison**

	Quarter 1		Quarter 2		Quarter 3		Quarter 4		Year to date	% variance against target	▲ ● ★
	Target for Q1	Outturn Apr - Jun	Target for Q2	Outturn Jul - Sep	Target for Q3	Outturn Oct - Dec	Target for Q4	Outturn Jan-Mar			
<b>Compliments and Complaints</b>											
2011-12 Year	n/a	79	n/a	94	n/a	60	n/a	55	233		
2012-13 Year	n/a	95	n/a	89	n/a						
2011-12 Year	n/a	79	n/a	67	n/a	53	n/a	53	199		
2012-13 Year	n/a	65	n/a	62	n/a						
2011-12 Year	90%	87.34%	90%	86.57%	90%	92.45%	90%	92.45%	89.29%	-0.71%	●
2011-12 Year		69		58		49		49	225		
2011-12 Year		79		67		53		53	252		
2012-13 Year	90%	90.63%	90%	96.77%	90%						
2012-13 Year		58		60							
2012-13 Year		64		62							
2011-12 Year	90%	96.43%	90%	100.00%	90%	88.89%	90%	88.89%	95.83%	5.83%	★
2011-12 Year		27		17		24		24	92		






**Wycombe District Council  
Complaints/Compliments - Year on Year  
Comparison**

	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Year to date	% variance against target
	Target for Q1	Target for Q2	Target for Q3	Target for Q4	Year to date	% variance against target
	Outturn Apr - Jun	Outturn Jul - Sep	Outturn Oct - Dec	Outturn Jan-Mar	Year to date	% variance against target
2011-12 Year	28	17	27	27	96	
2012-13 Year	95.12%	90.32%	n/a	n/a		
2012-13 Year	39	28				
2012-13 Year	41	31				
2011-12 Year	96.43%	82.35%	90%	90%	88.89%	-0.42%
2012-13 Year	27	14	21	24	86	
2012-13 Year	28	17	27	27	96	
2012-13 Year	90.24%	93.55%	n/a	n/a		
2012-13 Year	37	29				
2012-13 Year	41	31				
2011-12 Year	96.43%	95.56%	90%	90%	88.89%	1.34%
2011-12 Year	27	43	22	24	116	
2011-12 Year	28	45	27	27	127	
2012-13 Year	87.80%	87.10%	n/a	n/a		
2012-13 Year	36	27				
2012-13 Year	41	31				

**Wycombe District Council  
Complaints/Compliments - Year on Year  
Comparison**

Quarter 1	Quarter 2	Quarter 3	Quarter 4	Year to date	% variance against target
Target for Q1	Target for Q2	Target for Q3	Target for Q4	Year to date	% variance against target
Outturn Apr - Jun	Outturn Jul - Sep	Outturn Oct - Dec	Outturn Jan-Mar	Year to date	% variance against target
  	  	  	  	  	  

<b>Symbols Used:</b>	
	Exceeds target by more than 5%
	Within +/- 5% of target
	More than 5% below target

**OMBUDSMAN ONGOING CASES – 2012/13**

Clirs Notified: Service Mail Ref	Date Received	Ombudsman Ref	Summary of complaint	Comments
9835	04/09/12	12003969	Complainant objects to decision of Council to define him as persistent/unreasonable complainant, and refusal to respond to general enquiries in relation to taxi licensing	Provisional View - LGO not to investigate 04/09/12. LGO chased for response 30/10/12
				1

OMBUDSMAN CLOSED CASES – 2012/13

Service Mail Ref	Date Received (Date closed)	Ombudsman Ref	Summary of complaint	Comments	OMBUDSMAN CATEGORY		OMBUDSMAN SERVICE AREA															
					Ombudsman Discretion:	Outside Jurisdiction	P/BC	Local Tax	ASB	Hsg	Env Servid	Hsg	Benefits	Transport & Highways	Licensing	Other						
8933	01/03/2012 (26/04/2012)	11 013 367/DS	Complaints regarding repairs to shower at Council-owned property (now Red Kite).	Investigation Discontinued	24A(6)	OJ																
7336	11/11/2011 (17/05/12)	11 012 069	Did not consider company's requests for additional rate relief from 2002 to 2010 o Altered policy guidelines in respect of rate relief in order to benefit a new subcontractor. o Refused full rate relief on the complainant's new Head Office and that the grounds for refusal are not clear.	Investigation Discontinued	1					1												
9724	14/02/2012 (17/05/12)	11 019 921/DS	Alleged that the Council has reneged on its agreement to let Ms Pham and her baby to remain in the hostel accommodation until a Housing Association property she has been allocated through the Bucks Homechoice scheme is ready for occupation in late March 2012.	Investigation Discontinued	1																	
10128	18/05/12	12 002 428	Delay in administration of Housing Benefit claim	Investigation Discontinued	1																	
10023	18/04/12	12 000 367/sxp	Actions by Council (as freeholder of property) and insurance company in relation to claim due to fire in the property. Complainant is leaseholder.	Investigation Discontinued	1																	
9972	08/08/12 (09/08/12)	12 004 076 B2 JL	Refusal of planning permission	Outside Jurisdiction (planning appeal submitted)																		

	P/BC	Local Tax	ASB	Hsg	Env Serv/Hsg	Benefits	Transport & Highways	Licensing	Other
		1							
				1					
									1
	1								
	2	3	0	4	0	0	0	0	2

Service Mail Ref	Date Received (Date closed)	Ombudsman Ref	Summary of complaint	Comments	Ombudsman Discretion:	Outside Jurisdiction
10014	14/08/12 (14/08/12)	12 001 965	The complainant complains the Council has failed to provide her with suitable evidence to prove she is in council tax arrears. She disputes the outstanding amount due and believes she has paid all charges.	Investigation Discontinued (no enquiries made)	24A(6)	OJ
10129	01/06/2012 (17/09/12)	11 022 328	Complainant alleges she is occupying very damp property and wishes to be rehoused, and has not received proper assistance from Env Health. Also alleges that housing re-banding application also rejected by WDC without proper assessment of medical information.	Investigation Discontinued	1	
10398	10/08/2012 28/09/12	12 004 403 / JS	Complainant wishes to rent or buy council owned land adjacent to his property and is also concerned that the land is not being looked after by the Council. Delay in response times with regard to his requests.	Investigation Discontinued	1	
10546	18/09/2012 03/09/12	11 018 290	The complainant says 2 departments at WDC took inconsistent and conflicting action in relation to a boundary dispute. In addition, Council used an inaccurate land survey during the subsequent court proceedings, and issued false invoices and made abusive claims.	Investigation Discontinued	1	
9315	15/06/2012 23/10/12	12 003 182	Complaint re planning enforcement issues at neighbouring property.	Investigation Discontinued	1	
					9	0
					0	2
					0	0

This page is intentionally left blank

## Agenda Item 6

**SUPPLEMENTARY ITEMS (IF ANY)**

## Agenda Item 7

**URGENT ITEMS (IF ANY)**

This page is intentionally left blank