



Shropshire Council
Legal and Democratic Services
Guildhall,
Frankwell Quay,
Shrewsbury
SY3 8HQ

Date: 16 January 2026

:

Committee:
Standards Sub-Committee

Date: **Monday, 26 January 2026**
Time: **2.00 pm**
Venue: **The Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury,
SY3 8HQ**

You are requested to attend the above meeting.
The Agenda is attached

Tim Collard
Service Director – Legal, Governance and Planning

Members of Standards Sub-Committee:

Rachel Connolly
George Hollyhead
Beverley Waite

Your Committee Officer is:

Tim Ward

Tel: 01743 257713
Email: tim.ward@shropshire.gov.uk

AGENDA

1 Election of Chairman

To elect a Chairman for the duration of the meeting

2 Apologies for Absence

3 Disclosable Pecuniary Interests

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

4 Application for Dispensation (Pages 1 - 6)

Report of the Monitoring Officer is attached

Contact: Tim Collard Tel: 01743 252756

5 Exclusion of Press and Public

To resolve that, in accordance with the provisions of Schedule 12A of the Local Government Act 1972 and Paragraph 10.4 (3) of the Council's Access to Information Rules, the public and press be excluded from the meeting during consideration of the following items

6 Code of Conduct Complaint (Pages 7 - 38)

To consider an exempt report relating to a Code of Conduct complaint.

Exempt report of the Monitoring Officer is attached

Contact: Tim Collard Tel: 01743 252756



Committee and Date
Standards Sub Committee

Item

26 January 2026

Public



APPLICATION FOR DISPENSATION

Responsible Officer:	Tim Collard
email: tim.collard@shropshire.gov.uk	Tel: 01743 252756
Cabinet Member (Portfolio Holder):	Heather Kidd

1. Synopsis

To consider an application for a dispensation received from Councillor Duncan Kerr

2. Executive Summary

- 2.1. To consider whether a dispensation should be granted to Councillor Duncan Kerr who has an "Other Registerable Interest" in matters relating to Oswestry Town Council.

3. Recommendations

- 3.1. That, in accordance with the adopted Shropshire Council Code of Conduct, the Sub-Committee determines if a dispensation should be granted to Councillor Duncan Kerr enabling him to participate in the discussion and voting on matters relating to the devolution of powers to Oswestry Town Council at meetings of Shropshire Council (including Audit Committee and any other formal decision making committees) on the grounds that it is "in the interests of persons living in the authority's area."

- 3.2. That any such dispensation last until 03 May 2029 or until such time as Councillor Kerr no longer has a disclosable pecuniary or other registrable interest in the matter, whichever is the sooner.

Report

4. Risk Assessment and Opportunities Appraisal

- 4.1. The Localism Act 2011 places a requirement on Local Authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. Participation in the discussion and voting on a matter by a member with an other registerable interest risks damaging the reputation of the authority and could amount to a failure to comply with the code of conduct.

5. Financial Implications

- 5.1. There are no obvious financial implications in making this decision.

6. Climate Change Appraisal

- 6.1. There are no obvious climate change implications in making this decision.

7. Background

- 7.1. The Code of Conduct requires that a member with an "Other Registerable Interest" in any matter discussed at a meeting may be prevented from participating in the discussion or voting on the matter unless they have been granted a dispensation.
- 7.2. Section 33 of the Localism Act sets out the circumstances in which dispensations may be granted to members with disclosable pecuniary interests as follows:

"A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority—

- (a) *considers that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,*
- (b) *considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,*
- (c) *considers that granting the dispensation is in the interests of persons living in the authority's area,*

- (d) *if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or*
- (e) *considers that it is otherwise appropriate to grant a dispensation."*

The same criteria can be applied to applications for dispensations in respect of Other Registerable Interests.

- 7.3. A written request for a dispensation has been received from Councillor Duncan Kerr which is attached to this report explaining why the dispensation is desirable. The Standards Committee has authority to decide if it is appropriate to grant the dispensation.
- 7.4. Any dispensation granted cannot cover participation in respect of the relevant business after four years from the date of dispensation.
- 7.5. The Committee needs to consider whether Councillor Duncan Kerr should be granted a dispensation.
- 7.6. In reaching decisions, the Committee needs to have in mind the circumstances and nature of the item of business to be considered and the public interest in having their views represented.
- 7.7. The devolution of services to Town and Parish Councils will only be considered where it appears to be in the interests of the persons living in the area and it would likely benefit those people for the decision to involve the Councillors with the greatest knowledge of the area.

8. Additional Information

- 8.1. None

9. Conclusions

- 9.1. Members are requested to consider if it is in the public interest to grant the requested dispensations.
- 9.2. The options available to the Sub Committee are as follows:
 - 9.2.1 To grant the dispensations to take part in discussions and/or voting on matters relating to the devolution of powers to Shrewsbury Town Council
 - 9.2.2 To not grant the dispensations.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Code of Conduct

Localism Act 2011

Local Member: **None**

Appendices Attached

Tim Ward

From: Tim Collard
Sent: 12 November 2025 16:22
To: Graham White
Subject: FW: Dispensation

From: Duncan Kerr <Duncan.Kerr@shropshire.gov.uk>
Sent: 12 November 2025 10:15
To: Tim Collard <tim.collard@shropshire.gov.uk>
Subject: Dispensation

Hi Tim ,as you know the devolvement of street scene is a clear priority for the new administration. As a member of OTC, which is being referred to as a pilot for this, and as a member of Audit, the Improvement Board and a Group Leader, there is the potential for a conflict of interest and I am therefore seeking a dispensation to speak and vote at meetings on this issue.

Cllr Duncan Kerr

Shropshire Councillor for Oswestry South

Leader of the Green and Progressive Independent Group

Chair of the Audit and Governance Committee

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Agenda Item 6

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of the Local Government Act 1972.

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