



Committee and Date
Standards Sub Committee

Item

26 January 2026

Public



APPLICATION FOR DISPENSATION

Responsible Officer: Tim Collard

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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
