

# Public Document Pack

## NOTICE OF THE CHARTER TRUSTEES FOR SCARBOROUGH

- Members:** Councillors Eric Broadbent, Liz Colling, Janet Jefferson, Rich Maw, Tony Randerson and John Ritchie.
- Date:** Friday, 25th October, 2024
- Time:** 10.00 am
- Venue:** Town Hall, St Nicholas Street, Scarborough, YO11 2HG

All Members of The Charter Trustees for Scarborough are summoned to attend this meeting to consider the items of business set out on the agenda below.

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee, details at the foot of the first page of the Agenda, if you have any queries.

Recording is allowed at Council, committee and sub-committee meetings which are open to the public. Please give due regard to the Council's protocol on audio/visual recording and photography at public meetings. Anyone wishing to record is asked to contact, prior to the start of the meeting, the named democratic services officer supporting this committee. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

**BARRY KHAN**  
**CLERK TO THE CHARTER TRUSTEES**

### AGENDA

- 1. Apologies for Absence**
- 2. Minutes of the Meeting held on 26 July 2024** (Pages 3 - 4)
- 3. Declarations of Interest**  
All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.
- 4. Public Participation**  
Members of the public may ask questions or make statements at this meeting if they have given notice to St John Harris, Principal Democratic Services Officer and supplied the text (contact details below) by midday on Tuesday 22 October, three working days before the day of the meeting. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-
  - at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes);
  - when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct anyone who may be taking a recording to

cease while you speak.

**5. Charter Mayor's Report**

The Charter Mayor will report on their recent activities and any associated issues.

**6. Creation of Scarborough Town Council (Pages 5 - 10)**

**7. Finance report (Pages 11 - 14)**

**8. Any Other Items**

Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances

**Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.**

**Contact Details:**

St John Harris, Principal Democratic Services Officer

Tel: 01723 383556

Email: [stjohn.harris@northyorks.gov.uk](mailto:stjohn.harris@northyorks.gov.uk) or [democraticservices.east@northyorks.gov.uk](mailto:democraticservices.east@northyorks.gov.uk)

Website: [www.northyorks.gov.uk](http://www.northyorks.gov.uk)

17 October 2024

## North Yorkshire Council

### The Charter Trustees for Scarborough

Minutes of the meeting held on Friday, 26th July, 2024 commencing at 10.00 am.

Councillor Janet Jefferson in the Chair plus Councillors Liz Colling and Tony Randerson.

In attendance: Councillor George Jabbour.

Officers present: St John Harris, Karen Iveson and Carol Rehill

Apologies: Councillors Rich Maw and John Ritchie.

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#### **37 Apologies for Absence**

Members were advised that Councillors Maw and Ritchie had submitted apologies. Head of Legal (Major Projects), Carol Rehill was deputising for the Clerk to the Trustees and Monitoring Officer, Barry Khan.

#### **38 Minutes of the Meeting held on 15 December 2023**

##### **Resolved –**

That the Minutes of the meeting held on 15 December 2023, having been printed and circulated, be taken as read and confirmed and signed by the Chair as a correct record.

#### **39 Minutes of the Meeting held on 30 May 2024**

##### **Resolved –**

That the Minutes of the meeting held on 30 May 2024, having been printed and circulated, be taken as read and confirmed and signed by the Chair as a correct record.

#### **40 Declarations of Interest**

There were no declarations of interests.

#### **41 Public Participation**

There were no public questions or statements.

#### **42 Charter Mayor's report**

The Charter Mayor presented her report noting that she had attended 18 engagements since her election at the end of May. She thanked her fellow Charter Trustees for the privilege of serving as Charter Mayor. The Charter Mayor then provided some of the highlights of her time in office: the 80<sup>th</sup> anniversary D-Day commemorations in Alma Square; the Dragon Boat races at North Yorkshire Water Park followed by prize

presentations at Scarborough Rugby Club; Armed Forces Day Flag Raising Ceremony and the day itself; welcoming the Spanish galleon *Andalucia* to Seafest; and the tours she had conducted round the Town Hall. Finally, she was looking forward very much to hosting afternoon tea at Scarborough Cricket Festival next month for local community representatives.

**Resolved (unanimously) –**

That the Charter Mayor's verbal report be noted.

**43 Finance report Q4 2023-24**

Considered-

A report of the Responsible Finance Officer (RFO) in respect of the full year budget position of the Charter Trustees to the end of March 2024 for the financial year 2023-24. In addition to the Finance Report which set out expenditure and income for the year and included a balance carried forward of £413, the RFO also referred to the Annual Internal Audit Report 2023-24 which had just been completed by Veritau and had been published as Appendix 2 to her report the day before. This included the Annual Governance Statement and Accounting Statements for 2023-24 which, subject to approval by the Charter Trustees, would be submitted to the external auditors, PKF Littlejohn Ltd.

**Resolved (unanimously) –**

That the Charter Trustees:

- i) note the expenditure incurred to the end of March 2024 for the financial year 2023-24;
- ii) approve the year-end accounts for 2023-24 for submission to the auditor.

**44 Any Other Items**

There was no urgent business.

**45 Date of Next Meeting**

25 October 2024 at 10am

The meeting concluded at 10.13 am.

## North Yorkshire Council

### The Charter Trustees for Scarborough

25 October 2024

### Creation of Scarborough Town Council

### Report of the Assistant Director Legal

#### **1.0 PURPOSE OF REPORT**

- 1.1 To provide information on work being done to support the creation of a town council for Scarborough following the decision by Council on 24 July 2024.
- 1.2 To propose that the Charter Trustees (except the member for Eastfield division) act as a shadow town council for the purposes of being a consultative body in relation to the actions set out in this report.

#### **2.0 SUMMARY**

- 2.1 To summarise the process for creating the new town council and to propose the role of the Charter Trustees in relation to this process.

#### **3.0 BACKGROUND**

- 3.1 On 24 July 2024 Council resolved to create a town council for Scarborough for the unparished parts of the town currently covered by the Charter Trustee area. The town council will be created with effect from 1 April 2025, with the first elections to be held on Thursday 1 May 2025.
- 3.2 The North Yorkshire (Structural Changes) Order 2022 made provision for Charter Trustees to be created on 1 April 2023 for those parts of the town which were unparished. The Charter Trustees will be dissolved once the newly elected town councillors come into office.
- 3.3 This report will set out the work required to support the creation of the new town council and to hand over the responsibilities of the Charter Trustees to the new town council.

#### **4.0 CREATION OF TOWN COUNCIL**

- 4.1 A working group of officers from Legal, Democratic Services, Elections and the Parish Liaison team has been created, with officers joining from other teams such as Finance when required. The group is working to identify actions to be completed to ensure a safe and legal transition to the new town council.

Matters relating to the creation of new parish councils and the winding up of Charter Trustees are governed by the following regulations:

- (i) The Local Government (Parishes and Parish Councils) (England) Regulations 2008 - provisions for distribution of property, rights and liabilities
- (ii) Local Government Finance (New Parishes) Regulations 2008 – provision for financial matters including issuing precepts for new parishes

This work falls into two main sections:

- 4.2 **Reorganisation Order** – the order confirms all the key information relating to the creation of the parish including the name of the town council, timing of elections, warding pattern and names, and council size. In addition, the Order will include a number of schedules which set out information on items to be transferred including land and property, ceremonial items, funds and balances and any other responsibilities. Work is currently underway to identify all such matters.
- 4.2.1 Allotments held for any purpose of the Allotments Acts 1908 to 1950 are required to be transferred to a parish council on its creation; there are a number of such allotments within the unparished parts of Scarborough and work is underway to identify which sites these are and any liabilities/responsibilities which will need to be transferred from North Yorkshire Council to the town council alongside these.
- 4.2.2 Ceremonial and historical property which formed the civic collection belonging to Scarborough Borough Council was required to be transferred to the Charter Trustees on their creation on 1 April 2023. All such property is now required to be transferred to a new town council. This includes mayoral regalia, silver and plate and items of historical interest. A schedule of all the items forming the civic collection will be appended to the Reorganisation Order.
- 4.2.3 Any outstanding financial balances relating to the Charter Trustees account will be transferred to the town council.
- 4.2.4 The Reorganisation Order will also need to include a figure for the budget requirement for the new parish for its first year. A calculation will need to be made based on the anticipated running costs of the new town council, with funds also allocated for service provision. This budget requirement figure will be used to calculate the anticipated precept, which will be subject to approval at the budget meeting of North Yorkshire Council in February.
- 4.2.5 Consultation will take place with the Charter Trustees to establish an anticipated budget requirement figure for approval by budget Council and inclusion in the Order.
- 4.3 **Implementation work** – following the making of the Order work will need to take place in preparation for the town councils coming into existence on 1 April and to ensure that they are in a position to agree the various items of business which should be included on the agenda for the first Annual Meeting. The first Annual Meeting must take place within 14 days of the elections, which will be held on Thursday 1 May 2025.
- 4.3.1 That first agenda should include matters such as appointment of chair and vice-chair, appointment of a parish clerk/responsible financial officer, adoption of the code of conduct and standing orders, noting the budget agreed by North Yorkshire as the principal council and agreement on dates and venues for meetings of the town council.
- 4.3.2 Accordingly the following items should be considered in preparation for this:
1. **Recruitment of an (interim) parish clerk/responsible financial officer**
  2. **Budget** – the principal council would be responsible for agreeing the Year 1 budget as part of parish precept setting, consultation will take place with the division councillors in setting the figure. The budget and precept would then be noted at the first meeting. See the Local Government Finance (New Parishes)(England) Regulations 2008.
  3. **Code of conduct and standing orders**, based on the National Association of Local Councils (NALC) model code and standing orders for adoption at the annual meeting

4. **Insurance** – make arrangements to ensure the town council is adequately insured (contents, public liability and employer’s liability)
5. **Bank account** – set up an account and make arrangements for appropriate signatories (usually the clerk and chair), ensure arrangements are in place for the clerk to be paid.
6. **YLCA** – obtain a quote for membership cost to enable the town councils to make a decision on joining at the first meeting
7. **Office accommodation and meeting room provision** – make arrangements for the parish council to have access to appropriate office space and an office address; book meeting rooms for the first few meetings to enable a calendar of meetings to be confirmed at the first meeting
8. **First Annual Meeting** – the summons to be sent from the Proper Officer of the principal council, prior to the appointment of a parish clerk by the parish council. Agenda and reports to be prepared by NYC officers or an interim clerk

4.3.3. Any costs incurred by NYC can be reclaimed from the precept funds.

4.3.4 Cost of election – the Leader stated at Executive on 18 July 2023 that he was not minded to re-charge Harrogate Town Council and Scarborough Town Council for their first elections, given that they were outside of the electoral cycle.

4.3.5 It is proposed that the division councillors of the unparished area (the Charter Trustees) except the member for Eastfield division which falls outside the geography of the new town council, be treated as a ‘shadow council’ and whilst they would have no formal powers, they can act as a consultation body to inform decisions made in relation to items at 4.3.2 above.

4.3.6 It is also proposed that an interim clerk be appointed to undertake some of the tasks set out above and that the Yorkshire Local Councils Association be consulted on the steps taken in preparation of implementing the new town council.

**4.4 Charter Trustees and new town councils** – the Local Government (Parishes and Parish Councils) (England) Regulations 2008 part 15 (Appendix A) make provision for occasions where a reorganisation order constitutes a parish in an area previously a charter trustee area.

4.4.1 The regulations state that on the date on which the first parish councillors come into office (Tuesday 6 May) the Charter Trustees will be dissolved and the Mayor and Deputy Mayor cease to hold office. All property, rights and liabilities of the Charter Trustees would become the property, rights and liabilities of the parish council.

4.4.2 The accounts of the Charter Trustees shall be made up to the 6 May 2024 and shall be audited and subject to the same procedures as if the Charter Trustees had not been dissolved.

## **5.0 CONSULTATION UNDERTAKEN AND RESPONSES**

5.1 Consultation with the Scarborough Trustees is proposed in relation to the implementation of the town council as set out in the body of this report.

## **6.0 ALTERNATIVE OPTIONS CONSIDERED**

6.1 To not prepare for the implementation of the town council. This is not recommended as in order to create a viable town council the steps identified in this report must be undertaken.

6.2 To not consult the Charter Trustees. This is recommended for rejection as pending an election to the new town council the Charter Trustees are the elected representatives for the area.

## **7.0 FINANCIAL IMPLICATIONS**

7.1 Details of financial implications are contained within the body of the report.

## **8.0 LEGAL IMPLICATIONS**

8.1 Legal advice is contained in the body of the report

## **9.0 EQUALITIES IMPLICATIONS**

9.1 Equalities Impact Assessments were completed during the Community Governance Review and no implications were identified.

## **10.0 CLIMATE CHANGE IMPLICATIONS**

10.1 Climate Change Impact Assessments were completed during the Community Governance Review and no implications were identified.

## **11.0 REASONS FOR RECOMMENDATIONS**

11.1 To give effect to Council's resolution of 24 July 2024 to create a new town council.

## **12.0 RECOMMENDATIONS**

That (1) the Charter Trustees note the report; and

(2) the Charter Trustees (except the member for Eastfield division) act as a shadow town council for the purposes of being a consultative body in relation to the actions set out in this report.

## **APPENDICES:**

Appendix A – Local Government (Parishes and Parish Councils)(England) Regulations 2008 part 15

Barry Khan  
Assistant Chief Executive Legal and Democratic Services  
County Hall  
Northallerton

*17 October 2024*

Report Author – Jennifer Norton – Assistant Director Legal

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.



## Local Government (Parishes and Parish Councils) (England) Regulations 2008 part 15

**15.**—(1) The following provisions of this regulation apply in any case where, in consequence of a reorganisation order, a city or town for which charter trustees have been constituted by or under any enactment becomes wholly comprised in a parish or in two or more parishes.

(2) On the date on which the first parish councillors for the parish or parishes (as the case may be) come into office—

- (a) the charter trustees shall be dissolved;
- (b) the mayor and deputy mayor (if any) shall cease to hold office as such;
- (c) the appointment of any local officer of dignity shall be treated as if it had been made by the parish council;
- (d) all property, rights and liabilities (of whatever description) of the charter trustees shall become property, rights and liabilities of the parish council; and
- (e) any legal proceedings to which the charter trustees are party may, subject to rules of court, be prosecuted or defended (as the case may be) by the parish council.

(3) Without prejudice to paragraph (2), regulation 5 (continuity of matters) shall apply in a case to which this regulation applies as if the charter trustees were a transferor authority and the parish council were a transferee authority.

(4) In paragraphs (2) and (3) “the parish council”—

- (a) in relation to a city or town which becomes comprised in the area of a single parish, means the council of that parish;
- (b) in relation to a city or town which becomes comprised in the area of more than one parish, means the council of such one of those parishes as is specified in the reorganisation order.

(5) The accounts of the charter trustees and of its committees and officers shall be made up to the date referred to in paragraph (2), and shall be audited in the same manner, and subject to the same procedures and penalties, as if the charter trustees had not been dissolved.

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## North Yorkshire Council

### The Charter Trustees for Scarborough

25 October 2024

### Finance Report

### Report of the Responsible Finance Officer

#### 1.0 PURPOSE OF REPORT

1.1 To inform the Charter Trustees of the in-year budget position to the end of September 2024 – month 6 of 2024-25

#### 2.0 SUMMARY

2.1 The Charter Trustees are asked to note the expenditure incurred to the end of September 2024.

#### 3.0 BACKGROUND

3.1 This is the second year of the Scarborough Charter Trustees. The budget and precept were set at the meeting of the Charter Trustees on 15 December 2023. A breakdown of the budget is set out at Appendix 1.

3.2 The total budget set for the year is £22,900.

3.3 This report presents expenditure incurred to the end of September 2024.

#### 4.0 EXPENDITURE AGAINST BUDGET

4.1 As at the end of September a total of £4,573 has been expended – in summary:

Summary	Budget £	Spend to Sept 2023 £	Comments
Events	1,700	597	PA System Flag raising AFD Refreshment charge Community Tea 2024
Allowances	1,200	1,200	Charter Mayor & Deputy
Officer Support	18,600	9,300	Incl. Principal Democratic Services Officer, Leadership Support and other support services
Other/General	1,400	319	Regalia Mayor Profile picture Mayor making and Chamber pictures
Income	0	(25)	Civic engagement
<b>Total</b>	<b>22,900</b>	<b>11,391</b>	

4.2 There are no matters to raise on this expenditure.

**5.0 ALTERNATIVE OPTIONS CONSIDERED**

5.1 N/A

**6.0 FINANCIAL IMPLICATIONS**

6.1 As set out above.

**7.0 LEGAL IMPLICATIONS**

7.1 There are no legal implications.

**8.0 EQUALITIES IMPLICATIONS**

8.1 There are no equalities implications.

**9.0 CLIMATE CHANGE IMPLICATIONS**

9.1 There are no climate change implications.

**10.0 REASONS FOR RECOMMENDATIONS**

10.1 To inform the Charter Trustees of the in-year budget position to the end of September 2024 – month 6 of 2024-25

**11.0 RECOMMENDATION**

- i) That the Charter Trustees note the expenditure incurred to the end of September 2024.

**APPENDICES:**

Appendix 1 – Annual Budget 2024-25

**BACKGROUND DOCUMENTS:**

None.

Karen Iveson (RFO)  
Assistant Director Resources  
County Hall  
Northallerton

25 October 2024

Report Author – Karen Iveson

Appendix 1

The Charter Trustees for Scarborough  
Budget Summary 2024-25

Item	Budget
Civic collection insurance and maintenance	£700
Auditors	£500
ACTT Membership	£200
Allowances	£1,200
Officer support	£18,600
Events	£1,700
<b>Total budget</b>	<b>£22,900</b>
Tax Base	12,402.66
Band D precept	£1.85

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