FROM: Jools Marley, Clerk to the Parish Council & Responsible Financial Officer.

TO: All Councillors

DATE: 7th September 2016

SUBJECT: Update on highway, footpath & other matters since 13/7/16

1. Items raised at previous council meetings:-

1. Excess gravel/grit on pavement on Hay Lane between Hay Brow Crescent and Hay Brow Close - Scarborough Borough Council are responsible for sweeping the footpaths & NYCC has requested that they go out to sweep the affected paths.
2. Foul water discharging over footpath outside 5 Hay Brow Crescent which is (reported 11/7/2014 and 18/11/2014 - NYCC has written to householder.

2. New items

1. Linden Road Open Space - damage to fencing round culvert and picnic table reported to SBC.

J. Marley

Jools Marley CiLCA
<u>Clerk to the Parish Council</u>

REPORT

DATE: 15th August 2016

SUBJECT: Trusteeship of JJ Burchell Bequest as it relates to Carr Lane Playing Field

Background

Carr Lane Playing Field was gifted to the Council's predecessor (Scalby Urban District Council) by a conveyance dated 29th June 1954 as the result of a bequest in the will of JJ Burchell who died on 31st January 1952.

Under S210 of the Local Government Act 1972 the land vested in our authority from the former Scalby Urban District Council.

Newby & Scalby Parish Council holds the Title Deeds and has registered title to the land.

Monies from the bequest are held in the name of the JJ Burchell Bequest as registered charity (no. 523407) at the Charity Commission. The Charity Commission website has the governing document as the conveyance dated 29th June 1954.

Current Situation

On the Charity Commission website there are 6 councillors showing as trustees of the charity. Looking back through Council records, it is clear that on some of the previous year's charity returns the Council has been shown as the trustee and on others individual councillors have been shown as trustees.
Advice was therefore sought from the YLCA, who have replied as follows:-

> *It is clear from the Charity Commission Order of 21 September 1956 that the Scalby UDC "is hereby appointed to be the trustee". This is a singular reference which confirms that the Council as a body corporate, as distinct from named individual members, was appointed to be the sole trustee, taking over from the National Playing Fields Association. From the documentation provided we have not seen any evidence which would contradict or change this arrangement, ie when the Playing Field was passed to the Parish Council and therefore the Parish Council has taken over in exactly the same capacity as the former UDC. We suspect that at some point someone has misunderstood that it is the Parish Council that is the singular trustee and has unfortunately entered the details of individual councillors – we have seen that happen in a number of charities.*
>
> *It is our view that it is clear from the documentation that it is the Council that is the sole trustee and that the record on the Charity Commission website and other Commissions records are incorrect. Once the Council has acknowledged this fact and minuted it accordingly, you can go into the Charity Commission record and amend it. The Commission holds information as provided by the charity.*

The YLCA also says it may be appropriate to write to the Charity Commission with the relevant documentation, explaining the trusteeship has been wrongly described and that it is the Parish Council that is the sole trustee.

/Continued OVERLEAF

Recommendations

1. Council receives this report and notes the advice from the YLCA.
2. Council formally acknowledges that it is the Council which is the sole trustee and that the record on the Charity Commission website and other Commissions records are incorrect.
3. Council authorises the Clerk to go into the Charity Commission record and any other relevant records and make amendments.

J. Marley

J Marley (CiLCA)
Clerk to the Council

INTERNAL AUDIT REPORT

2016/17 FINANCIAL YEAR

April to June CASH BOOK & BANK STATEMENT FOR SCHEDULES 1-3

AND April to June ACCOUNTS, SCHEDULES 1-3

AUDIT CARRIED OUT ON 25th July 2016

1 PETTY CASH (Schedule 5 physical count as on day of audit)

- [x] Petty Cash was accurately recorded.
- [ ] Petty Cash was inaccurate. See section 7 overleaf.

2 CASH BOOK & BANK STATEMENTS

- [x] I am satisfied that the records are complete and accurate.
- [ ] I am not satisfied that the records are complete and accurate. See section 7 overleaf.
- [x] The records are balanced and reconciled.
- [ ] The records are not balanced and reconciled. See section 6 overleaf.

3 INCOME RECORD ON P.C.

- [x] The record is accurate and reconciled.
- [ ] The record is not accurate and reconciled. See section 7 overleaf.

4 EXPENDITURE ON P.C.

- [x] The record is accurate and reconciled.
- [ ] The record is not accurate and reconciled. See section 7 overleaf.

5 VAT RECORD ON PC AND I & E FILE

- [x] The record is accurate and refund claims have been made on a timely basis.
- [ ] The record is not accurate and/or refund claims have not been made on a timely basis. See section 7 overleaf.

6 PAYE RECORDS

☑ The Inland Revenue P11 deductions working sheet has been completed correctly and the figures accord with the schedule of payments and the payslip booklet.

☐ The Inland Revenue P11 deductions working sheet has not been completed correctly and the figures do not accord with the schedule of payments and the payslip booklet. See Comments Section 7.

7 COMMENTS/EXPLANATIONS:

Signed R.A. Carey
Internal Auditor

Date: 25/7/2016