

MINUTES OF ORDINARY MEETING OF NEWBY AND SCALBY TOWN COUNCIL

held in the Community Hub, 445b Scalby Road,
on Monday 12th January 2026 at 1pm.

708

PRESENT:

Councillors J Smith (Chairman), D Bastiman, H Bore, G Kendall, B Marley,
N Murphy, J Shepherd, R. Thompson.

ALSO IN ATTENDANCE

6 members of public.

ABSENT

Cllrs. J Buckley, S Foote, R Holliday, C Thistleton, R Towse, Mrs J Marley (Town Clerk).

Informative – Cllr. Smith explained that in the absence of the Clerk to Council (due to sick leave), notes of the meeting would be taken by Cllrs. Smith and Bore.

87/25

NON-ATTENDANCE OF COUNCILLORS

87/25.1

Apologies **received & noted** from Cllrs. S Foote, R Holliday, C Thistleton.

87/25.2

Acceptance of reasons for absence:-

Resolved the reasons for absence given by Cllrs. Foote, Holliday and Thistleton (other commitments) be approved.

88/25

DECLARATIONS OF INTEREST: None.

89/25

MINUTES

89/25.1

Having been previously circulated, it was **resolved** the minutes of the Annual Meeting of Council held on 21st May 2025 be approved and authorised for signature by the Chairman of Council.

89/25.2

Having been previously circulated, it was **resolved** the minutes of the Ordinary Meeting of Council held on 17th September 2025 be approved and authorised for signature by the Chairman of Council.

89/25.3

Having been previously circulated, it was **resolved** the minutes of the Extraordinary Meeting of Council held on 13th October 2025 be approved and authorised for signature by the Chairman of Council.

89/25.4

For information only (having been previously circulated) it was **resolved** the approved minutes of the Finance & General Purposes Committee meeting held on 6th October 2025 be noted.

89/25.5

For information only (having been previously circulated) it was **resolved** the approved minutes of the Planning Committee meetings held on 11th September 2025, 6th October 2025 and 28th October 2025 be noted.

89/25.6

For information only (having been previously circulated) it was **resolved** the approved minutes of the Review & Staffing Committee meetings held on 10th September 2025, 26th September 2025 and 31st October 2025 be noted.

90/25

PUBLIC PARTICIPATION No public present.

91/25

MATTERS RAISED IN PUBLIC PARTICIPATION None.

92/25

FINANCE & REGULATORY MATTERS

92/25.1

2026/27 Budget – Having been previously circulated, a report by the Chairman of the Finance and General Purposes Committee was received and noted. It was **resolved** to accept the F&GP Committee's recommendation and approve the budget and earmarked reserves as recommended in that report.

92/25.2

2026/27 Precept – Having been previously circulated, a report by the Chairman of the Finance and General Purposes Committee was received and noted. It was **resolved** to accept the F&GP Committee's recommendation that a precept of £123,768.00 be set for the 2026/27 financial year as recommended in that report

92/25.3

February Council meeting – it was noted the room was not available on the evening of 11th February and **resolved** to move the meeting forward to 9.30am on 11th February.

There being no further business to be transacted, the Chairman declared the meeting closed at 1.15pm.

Cllr. Jackie Smith, Chairman
Dated: 11th February 2026

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THE NORTH YORKSHIRE COUNCIL

(PROHIBITION OF WAITING AND LOADING AND PROVISION OF PARKING)
(AMENDMENT NO TBC) ORDER

NOTICE is hereby given that The North Yorkshire Council proposes to make an Order under Sections 1(1), 2(1) to (3), 4(2), 32(1) and 35(1) of the Road Traffic Regulation Act 1984 and Part IV of Schedule 9 to the 1984 Act and under the Traffic Management Act 2004, the effect of which will be to amend "North Yorkshire County Council (Prohibition of Waiting and Loading and Provision of Parking) (District of Craven) Consolidation Order 2013" by introducing the restrictions specified in the table below:-

TABLE
Location of Proposed Order

Location	Road / Street	Side	From	To	Restriction
Scalby	High Street	South east	A point 86 metres south west from the junction South Street	A point 93 metres south west from the junction South Street	Disabled Parking Bay

A copy of the draft Order, together with a map showing the roads affected and a statement of the Council's reasons for proposing to make the Order may be inspected at County Hall, Northallerton and at 450 Scalby Road, Scarborough YO12 6EE during normal office hours from 5th February 2026 to 26th February 2026 and also viewed online at www.northyorks.gov.uk/roadworks-map or www.northyorks.gov.uk/traffic-regulation-orders.

If you wish to object to the proposed Order, you should send the grounds for your objection, in writing, addressed to Area 5 Skipton Highways Office, Snaygill Industrial Estate, Keighley Road, Skipton, North Yorkshire BD23 2QR or by email Area5.Skipton@northyorks.gov.uk or via the website link above. by 26th February 2026.

BARRY KHAN, Assistant Chief Executive Legal and Democratic Services, County Hall, NORTHALLERTON

Dated 5th February 2026

NOTES:

- Proposed Disabled Parking Bay with 3 hour waiting limit
- Proposed Post and Sign

This drawing is produced from Ordnance Survey data and the user may obtain slight inaccuracies when compared with site measurements.



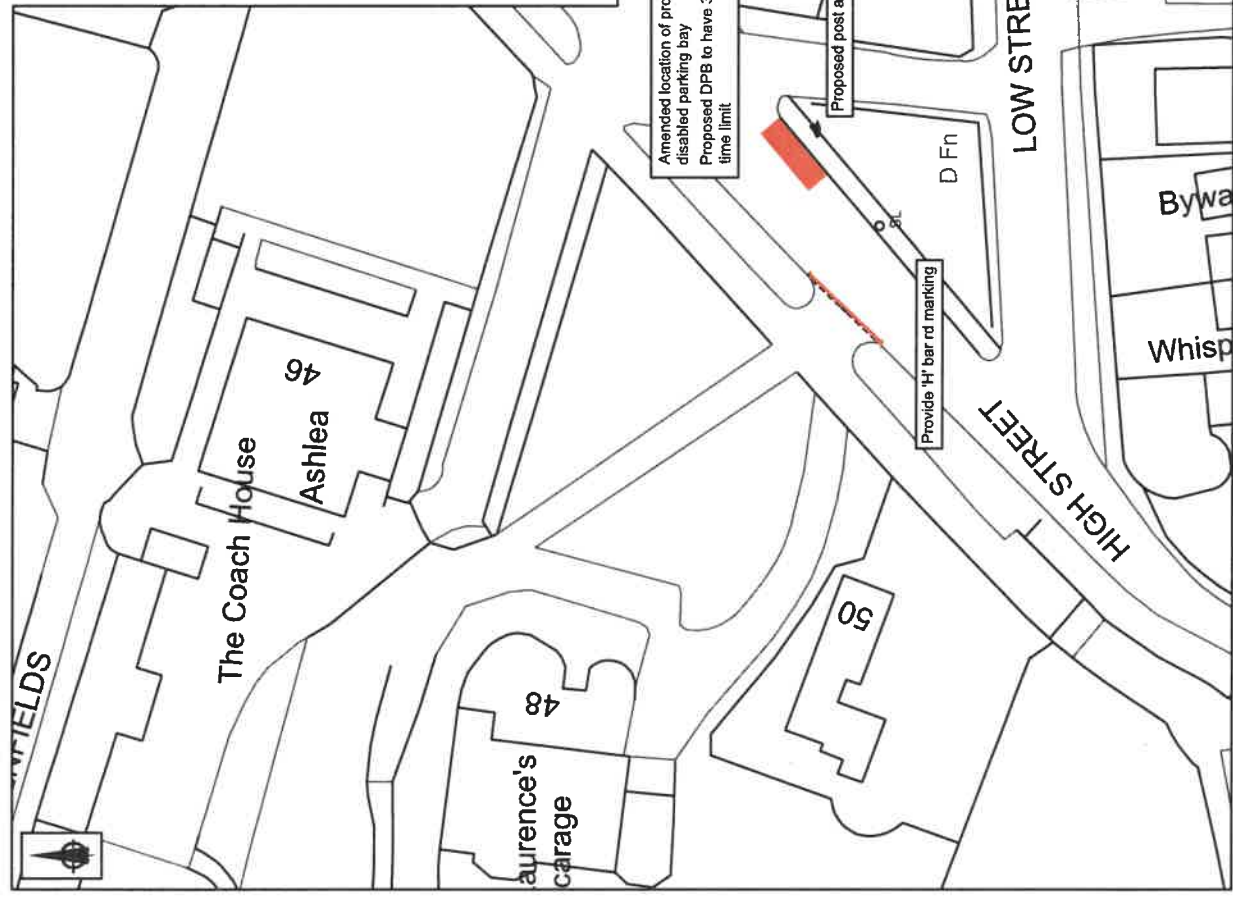
Area 3 Office
Discovery Way
Wetherby
North Yorkshire
YO22 4PZ
Tel: 01609 780780

Project
Proposed Disabled Parking Bay with 3 hr waiting limit
High Street Scalby

Drawing title
Location Plan
Amended

Drawing status for information			
Drawn by	Checked by	Approved by	Date
Drawing number 001			
Revision			

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North Yorkshire Council

Local Planning Enforcement Plan



DATE

Comments deadline 2400 9/3/26

1.0 Introduction

- 1.1 This is North Yorkshire Council's (NYC) Local Planning Enforcement Plan. It describes how the Council will undertake its role of enforcing planning control.
- 1.2 This Plan explains how the Council will manage planning enforcement in a clear, robust, proactive way that is appropriate to the area. How it will:
- Respond to alleged breaches of planning control
 - Take enforcement action where it is expedient to do so
 - Monitor compliance with strategically important planning decisions and minerals and waste sites
- 1.3 The purpose of the Plan is to make clear what those undertaking breaches of planning control and those reporting it should expect from the Council and how the Council will prioritise and undertake its investigations as well as the monitoring of minerals and waste sites and strategically important planning decisions.

2.0 National and Local Guidance

- 2.1 This Plan has been prepared in accordance with the advice contained within the **National Planning Policy Framework (NPPF, 2024)** issued by the Department for Communities and Local Government which states at paragraph 60:

“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate”

- 2.2 The Plan details the formal enforcement tools available to the Council in the exercise of its enforcement function at Appendix A and has been formulated with regard to: the Planning Acts; Relevant Planning Practice Guidance and circulars; the Human Rights Act, the Regulation of Investigatory Powers Act and reflects the principles of the proposed NYC General Enforcement Strategy. The main elements of the legislative framework and guidance relating to planning enforcement are set out in Appendix B.
- 2.3 The Plan aligns to the priorities set out in the Council Plan 2023-2027, and the Council's vision “.....to build on North Yorkshire's natural capital, strong local economy and resilient communities, to improve the way local services are delivered and support a good quality of life for all” and is based on five key theme ambitions:
- place and environment
 - economy
 - health and wellbeing
 - people

- organisation

The planning system is a key factor in the delivery of this ambition.

- 2.4 The planning system exists to manage development and use of land, in the public interest. The system is not to protect one person's rights against the activities of another. The planning system can only achieve its objectives if planning controls are enforced when necessary. The enforcement of planning controls is therefore a fundamental part of the planning system; to monitor the proper implementation of planning decisions and to respond to development that arises without necessary permission. The system relies on informed decision-making within a statutorily approved framework and policy context in order to maintain public confidence.

3.0 The Council's approach to Planning Enforcement

- 3.1 The Council must exercise a careful balance between the rights of the developer, user or owner of land or buildings and the wider public interest. The Council has to prioritise the enforcement work it carries out.

The Council will:

- Place a high priority on compliance with planning law. It is recognised however, that many breaches of planning law, although unlawful, do not constitute a criminal offence, until there is non-compliance with an enforcement notice.
- Endeavour, as required in Government advice, to resolve matters via negotiation over a clear, defined period and considering genuine alternative solutions to resolving breaches. Formal enforcement action will be used where it is felt that reasonable negotiation has not succeeded.
- Exercise proportionality in applying the law and securing compliance and take account of the risks and costs of not taking action and taking action.
- Via the delegated powers of the Enforcement Team Managers and Principal Enforcement Officers, decide whether or not it is expedient to commence enforcement action. Decisions not to take enforcement action, or to close a case when there is a breach of planning control, will be made by the Enforcement Team Managers and the Principal Enforcement Officers. Reasons for these decisions will be recorded in writing. The Council recognises that planning enforcement is a discretionary procedure, which relies upon the test of expediency in the public interest. Although there is a duty on the Council to investigate alleged breaches of planning control, there is no mandatory statutory requirement to undertake enforcement action.
- Take enforcement action when it is considered expedient to do so. In taking formal enforcement action, the Council will be prepared to use all the enforcement powers available and commensurate with the seriousness of the breach.
- Keep a full and accurate record of its actions and will be clear and precise in specifying breaches and requirements.

- Will interact with all users of the Planning Enforcement Service in an honest, engaging, responsive and courteous manner and will keep Divisional Members informed.
- 3.2 Trivial or Technical breaches of planning control causing no material harm or adverse impacts or where development may be acceptable subject to planning permission being granted are unlikely to result in formal enforcement action.
- 3.3 Formal enforcement action can be necessary when work is carried out and those undertaking that work do not comply with requests to obtain the necessary permission or consent and do not undo the action that has led to the breach of planning control.

4.0 Key Principles of the Local Enforcement Plan

Objectivity

- 4.1 The Council will judge the 'development', not 'who' is responsible for it or how it came about, and will therefore choose from the following options in deciding how to act:
- Where it is felt that planning conditions could make the development acceptable, under Local and National Policy, the reasonable approach is to request a retrospective planning application within a clear time scale. If an application is not received within a reasonable time scale, enforcement action may be necessary and justified if the Council can demonstrate that appropriate planning conditions would be necessary to overcome, control or mitigate harm caused by the development.
 - Where the development clearly cannot be made acceptable in planning terms, the Council will not seek a planning application but will instead set a time limit for cessation or relocation of the development or removal and reinstatement and will be prepared to serve an enforcement notice if progress is not made within that time scale.
- 4.2 A planning application is the most appropriate way to consider the merits of development against national and local policy in the public domain, to allow consultations and allow affected neighbours and other interested parties to make representation. It is therefore appropriate to encourage retrospective planning applications.

Proportionality

- 4.3 The response to a breach of control should be proportionate to the harm it causes. Harm will be assessed according to the degree of conformity or conflict with national and local planning policy, in much the same way that planning applications are assessed. Planning enforcement is an appropriate response to something that is unacceptable in planning terms.

Justice

- 4.4 Enforcement action will not normally be pursued while a planning application for the same development is under consideration, or when the matter has been taken to appeal. The Council must deal with the application fairly before proceeding with enforcement action as necessary.
- 4.5 Justice must be seen to be done and therefore we will clearly explain the reasons for our decisions.

5.0 What the Planning Enforcement Team investigates

- 5.1 The Council as Local Planning Authority are responsible for investigating alleged breaches of planning control, including unauthorised adverts, unauthorised works to listed buildings, alleged untidy land and buildings and unauthorised works to protected trees. A breach of planning control is development carried out without any requisite express permission. Examples are included in Appendix A and Appendix C.

6.0 When is there a breach of planning control?

- 6.1 A breach of planning control is defined at **Section 171A of the Town and Country Planning Act 1990** as *“the carrying out of a development without the required planning permission or failing to comply with any condition or limitation subject to which planning permission has been granted”*.
- 6.2 **Section 55 of the Town and Country Planning Act 1990** defines development as *“the carrying out of building, mining, engineering or other operations in, on, under or over land, or the making of any material change in the use of any buildings or other land”*.

6.3 Permitted Development

Some developments, building works or changes of use are ‘**permitted development**’ under **Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015** (as amended) and are not breaches of planning control. To be permitted development the development must be implemented in accordance with specified size limits, criteria and conditions. If this is the case the development does not need the permission of the Council and effectively permission has been granted by the government. It is noted that within Conservation Areas and National Landscapes permitted development rights are more restricted. Further information can be found in Appendix B.

6.4 Minor Works and the ‘de minimis’ Principle

It may be that, although technically development, the Council considers some work to be ‘de minimis’, i.e. so minor that they would practically fall outside the scope of planning control. Whether works are de minimis is a judgment to make by

the Council on a case-by-case basis based on fact and degree. If works are 'de minimis' no further action will be taken.

7.0 The Investigation Service

7.1 The Council's Planning Enforcement Team will impartially investigate breaches of planning control. Any member of the public or interested party may report, in writing, development they believe to be in breach of planning control and ask for this to be investigated. This can be done via post, email or completing a form on our website. Contact can be made to the Customer Services Team by phone (0300 131 2131). Further information can be found on the Planning Enforcement page of the Council's website.

7.2 In order to investigate an alleged breach of planning control, the following information is required:

- Full name and *two* methods of means of communication chosen from; full postal address, email address, telephone number of the complainant. This must be provided as we may need to contact the complainant for more detailed information during the investigation.
- Full address of property or detailed location to which the breach relates (what3words location, google pin, map reference)
- Details of the alleged breach and the harm it is causing

In addition to these requirements any other relevant information is very helpful including:

- Dates when the alleged breach started/took place.
- Any history known concerning the previous use of the property/land
- Name, address, telephone no., email, website of responsible parties

7.3 Complainants who are reluctant to give their details because they fear repercussions are advised that their details are treated with the strictest confidence in accordance with government legislation¹. The identity of complainants will be treated as confidential, and the general public will not have access to the Council's enforcement files. Information that has been submitted in confidence can be exempted from disclosure under the Freedom of Information Act 2000, Environmental Information Regulations (EIR) 2004 and the Data Protection Act 1998 would require any personal information including names, addresses, telephone numbers and email addresses to be removed from any information the Council has to release. These measures protect the anonymity of complainants and allow the Council to carry out its enforcement duties effectively.

7.4 If an individual is still reluctant to provide contact details, we would advise them to use their local member or Parish/Town Council to act on their behalf. To avoid the risk of malicious or vexatious complaints², anonymous complaints will not be investigated unless there is considered to be irreparable and immediate harm to

¹ Under Parts 1 and 2 of Schedule 12A of the Local Government Act 1972 (as amended), enforcement files are not public documents and complainant details are confidential.

public safety, or the natural or built environment in order to minimise consideration of potentially repetitive or vexatious allegations.

- 7.5 However, if the investigation proceeds to formal action, resulting in prosecution in the High Court or at public inquiry, it may not be possible for the Council to guarantee the anonymity of the complainant. In these cases, the complainant will be informed of the situation before the Council goes to court or public inquiry. If a complainant is unwilling to appear in court or at a public inquiry it may not be possible to continue with the action.

8.0 Service Standards

- 8.1 Complaints will be recorded onto the Council's Planning Enforcement database and complainants will receive a written acknowledgement of their request for service within 3 working days of the complaint receipt. This will include the name and contact details for the allocated enforcement officer investigating their concerns and the assigned priority level for a site visit.
- 8.2 When an allegation of works causing a breach of planning control is received the Planning Enforcement Team will first seek to comprehensively investigate if the allegation is correct and a breach of planning control has occurred. If the allegation is found to not be a breach of planning control or that there is no, or insufficient, evidence to demonstrate that there is a breach of planning control the case may be unable to proceed to the later stages
- 8.3 When a written allegation of a breach of planning control is received the Planning Enforcement Team will follow these five steps to assist in identifying whether the alleged breach is a matter that can be controlled using Planning Enforcement tools and whether any action would be in accordance with this policy: -
- What is the alleged breach of planning control?
 - Is there evidence that a breach of planning control has occurred?
 - What planning harm has arisen from the alleged breach of planning control?
 - What action could be taken to address the alleged breach?
 - Would the action that could be taken be appropriate, proportionate and expedient in the public interest?

8.4 Case Priorities

Investigating breaches of planning control is often complex and time consuming, priority is given to those cases where the greatest harm is being caused to residential or public amenity, highway safety, heritage assets, landscape character and interests of acknowledged importance. Complaints regarding breaches of planning control will be investigated in accordance with the order of priority set out below, relating to the degree of harm. The target response times below indicate the period in which the case officer will aim to make a site visit:

High Priority

(Objective aim to make a site visit within 1 working day)

- Matters that result in harm to public safety.
- Permanent or irreparable harm, such as loss of a protected tree or unauthorised demolition, partial demolition or significant alteration to a listed building or building within a conservation area.
- Activities that have the potential to cause irreparable harm to the environment, especially within Sites of Special Scientific Interest and National Landscapes (formally AONB).

Medium Priority

(Objective aim to make a site visit within 5 working days)

- Unauthorised development / activity which causes significant and continued harm by adversely affecting amenity, such as building work which is unlikely to be granted planning permission or unauthorised uses of a residential property.
- Breach of a condition attached to a planning permission which results in harm by adversely affecting amenity of an area.
- Unauthorised development / activity, which is the source of significant public complaint.

Lower Priority

(Objective aim to make a site visit within 15 working days)

- Unauthorised development / activity which is not classed as being high or medium priority.
- Cases where there is a breach of planning control but little or no immediate harm to amenity.
- Breaches of condition attached to planning permissions which results in minor harm or is a technical breach.
- Unauthorised advertisements and untidy land issues.
- Mineral extraction and waste management that has ceased.

We will aim to undertake 80% of initial site visits within the above time periods.

When the service is in high demand we may not be able to meet these timeframes in all cases.

8.5 Updates on Progress

It is not always possible to anticipate how a particular case will develop and the timescale for resolving an issue can be difficult to predict. If the investigation remains ongoing, it will be regularly monitored and necessary action will be taken

to ensure progression, additional updates will be provided where there is a significant development in progress or to provide other pertinent information. This would include for example, the submission of a planning application, the serving of an enforcement notice or the closure of the investigation, including clear explanation and reasoning. If enforcement action is commenced, the relevant Divisional Member will also be informed.

We will:

- Acknowledge the allegation of a breach of planning control within 3 working days.
- Aim to undertake a site visit/inspection within 1, 5 or 15 working days depending on its priority (as outlined above).
- Aim to update the complainant within 21 working days of the site visit as to the proposed course of action and within two months of the site visit to advise of progress of the investigation.
- We will aim to inform the individual subject of the alleged breach of planning control the Council's proposed course of action within 21 days of the site visit.
- Advise the person making the alleged breach of planning control of the final decision within 7 working days of the conclusion of the investigation.

9.0 Types of Action

9.1 When a clear breach of planning control is established there are several courses of action:

1. Take no further action where the breach is minor in nature and is not causing harm.
2. Negotiate a solution to mitigate the impact of the development where this can be achieved, or ensure it is removed.
3. Request a retrospective planning application to seek to regularise the development where it is considered that the breach of planning control can be made acceptable by the imposition of conditions.
4. Formal action to stop and/or remove the development which involves serving a Notice on the relevant parties which outlines what action they are required to take to resolve the breach within a set defined time period. Depending on the harm caused and its severity it may be necessary to take formal action immediately without negotiation.
5. Prosecution; where formal action has failed to resolve the breach of planning control, the Council may pursue the matter through the Courts and/or 'direct action' undertaken by the Council in order to rectify the breach of planning control.

9.2 Any action taken will need to be proportionate with the breach of planning control to which it relates, and formal action will be taken where negotiations with the operator or landowner have failed to resolve the matter, and it is considered to be in the public interest.

9.3 Voluntary compliance

The Council will normally encourage those responsible for a breach of planning control to resolve the issue(s) voluntarily. The person responsible for the breach will normally receive written confirmation and an explanation of the breach. The Council will impose a date by which to:

- Remedy the breach; and/or
- Submit a retrospective planning application in order to seek to attempt to regularise the breach of planning control.

9.4 Where the development appears to be acceptable the Council will normally ask for a retrospective planning application to be submitted. It is usually in the interests of the landowner to submit such an application as it will help to avoid problems when and if the property changes ownership.

9.5 The Council is obliged to deal fairly and objectively with any application submitted, however where the development is clearly contrary to national and local policy it is unlikely to be approved. Powers are also available to decline to consider a retrospective application where an enforcement notice is in place.

9.6 The Council will not allow protracted negotiations to prevent the taking of prompt and effective formal enforcement action where this is necessary. There are four and ten year rules whereby developments cannot be pursued after these periods. It reserves the right to serve any notice during the course of negotiations, or in the event of a retrospective planning application being made, in order to avoid undue delay. This may also be necessary where there is a possibility that a development may become immune from enforcement action through the passage of time.

10.0 Time limits

10.1 **Section 171B of the Town and Country Planning Act 1990** sets out time limits for taking enforcement action. The Council cannot serve a notice after ten years where the breach of planning control involves building operations, or the change of use of any building to a single dwelling house, from the commencement of the breach. Other unauthorised changes of use and breaches of conditions are also subject to a 10-year time limit. Serving an enforcement notice in respect of a development stops the clock in relation to time limits. Where the Council consider a breach may be close to the relevant time limit it may seek to take urgent enforcement action to prevent a development becoming lawful. After 10 years the Council cannot act, and the development becomes lawful.

10.2 Section 171B was amended April 2024 with the previous four-year period being replaced with ten years as outlined above. Under the transitional arrangements, the four-year enforcement period will still apply where the operational development was substantially completed before 25 April 2024 or, in relation to the change of use to a single dwelling, where the breach occurred prior to 25 April 2024.

- 10.3 Although a development will generally become immune from enforcement if the period for enforcement has passed, in cases where there has been concealment of a breach, the local authority has the right to take enforcement action “out of time”.
- 10.4 Breaches of the listed building consent regime never become immune. This means that any unauthorised works to a listed building can lead to enforcement action, regardless of whether a listed building enforcement notice has been served.

11.0 Appeals against Formal Enforcement Action

- 11.1 When an appeal is lodged against an enforcement notice the notice is suspended pending the outcome of the appeal. The Council must await the outcome of the appeal decision before determining an appropriate course of action. The Planning Inspector appointed by the Secretary of State to determine the appeal can uphold, quash or revise the Notice. This decision is binding upon the Council.

12.0 Formal Complaints Procedure

- 12.1 The Council is committed to providing an engaging, responsive, effective and efficient planning enforcement service. Anyone that is dissatisfied with the service should first discuss their concerns with the Enforcement Team Managers. If they remain dissatisfied the Council has a formal Complaints Procedure that can be found on the Corporate Complaints section of our website. This details how a corporate complaint can be made, investigated, and responded to.

12.2 Local Government Ombudsman

If anyone considers that the Council has not sufficiently investigated an issue, or that the decision not to initiate enforcement action is not well-founded, they may also, in certain circumstances refer the matter to the Local Government Ombudsman or apply to the High Court for judicial review.

13.0 Monitoring and compliance

- 13.1 When planning permission or other consent is granted, the development should be carried out in accordance with the approved plans and any conditions imposed on the permission. The Council recognises the importance of compliance with planning conditions and will consider formal action where there is a breach of a condition that comes to its attention. Planning conditions imposed on strategically important planning decisions will be actively monitored to seek to ensure compliance.

13.2 Monitoring of Minerals and Waste Sites

All dormant and operational minerals sites and operational waste sites with planning permissions we grant will be the subject of periodic routine monitoring visits in accordance with a prescribed schedule. The monitoring is to ensure sites comply with planning conditions, approved schemes, plans and documents and

requirements of legal agreements and to identify any non-compliance with planning conditions, approved schemes, plans and documents and requirements of legal agreements and any unauthorised development that requires addressing or action.

- 13.3 The frequency of monitoring will be determined by the nature of the site and how it is understood to be operating. Monitoring is usually carried out as part of a prearranged visit although unannounced visits may be carried out, particularly if there is a need to investigate reported alleged breaches of planning control.
- 13.4 A monitoring report will be prepared at the time of the visit that confirms:
- whether the site is operating in accordance with the planning permission(s), planning conditions, approved schemes and programmes and plans or otherwise.
 - what action, if any, is necessary to ensure compliance.
 - the timescales within which action, if any, is to be completed.
 - the date of the next visit to confirm the identified action has been carried out.
- 13.5 We will aim to issue a letter/email, with a copy of the report, will be provided to the site operator confirming compliance and/or highlighting areas needing action within 14 days of the visit.
- 13.6 In the event any identified action is not subsequently taken, depending on the scale and nature of any non-compliance, we may pursue any of the enforcement options referred to above. We will always work with an operator to ensure compliance with the approved planning permission(s), planning conditions, approved schemes, programmes, plans and legal obligations to ensure there is no unacceptable risk to the environment or the amenities of the area or others.
- 13.7 Under regulation 15 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, as amended, mineral planning authorities dealing with county matter applications are able to charge to monitor mineral and landfill permissions. This covers initial implementation to the end of the period of aftercare required by a condition of the planning permission. The fees are stated below:

Where the whole or part of the site is active £496
Any other case £165

This may be subject to change to reflect up to date fee increases.

14.0 Rights of Entry

- 14.1 Officers are granted rights of entry by the Town and Country Planning Act 1990. This details that: “any person duly authorised in writing by a local planning authority may at any reasonable hour enter any land (except a dwellinghouse where 24 hours’ notice of intended entry must be given to the occupier) ... to determine whether there is or has been a breach of planning control”. In planning

law, “dwellinghouse” excludes flats and residential caravans but the Council will afford occupiers the same 24-hour notice period. It is not necessary to give 24 hours’ notice to enter a garden or other land belonging to a dwellinghouse, just the building itself, although the Council will always pay due regard to rights to privacy. Any person authorised to enter land in pursuance of such a right of entry or under warrant is required to produce evidence of such authority and also state the purpose of entry, if requested, under Section 196C (1) (a) of the Act before entering. It is an offence to willfully obstruct entry where the correct procedures have been followed.

- 14.2 Sections 324 and 325 of the Town and Country Planning Act 1990 give more general rights of entry for planning purposes. Other legislation enables similar rights of entry in connection with listed buildings, trees, high hedges, hedgerows, advertisements and hazardous substances matters, together with various powers within the Local Government (Miscellaneous Provisions) Acts of 1976 and 1982.
- 14.3 Planning Enforcement Officers carry identity cards bearing their name and photograph authorising them to enter land to investigate planning enforcement complaints. Officers will always introduce themselves and explain the purpose of their visit.

15.0 Joint Working

- 15.1 Officers will co-operate with and seek appropriate assistance from other Council services and from other bodies, including the Highway Authority, licensing and environmental health, the Local Lead Flood Authority, North Yorkshire Police and the Environment Agency.
- 15.2 Where another service area or body has more effective powers and is prepared to use them to achieve similar results it may not be necessary to also take action under the planning acts.

16.0 Monitoring of Performance

- 16.1 The Planning Enforcement Service will monitor its performance in relation to targets, casework levels, type and number of notices served, and cases resolved on a quarterly basis. Furthermore, this Local Enforcement Plan, and its standards, will be reviewed every three years.

Appendix A: Tools of formal enforcement action and relevant legislation

The Council may use the following formal methods to remedy any breach of planning control

Enforcement Notice

The Enforcement Notice will state the reasons for action being taken and specify the steps which the Council require to be taken to remedy the breach and when that shall be undertaken. There is a right of appeal to the Planning Inspectorate.

Listed Buildings Enforcement Notice

Listed Building Consent is required from the Council to carry out any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest. There are no time limits for taking enforcement action with respect to listed building offences. There is a right of appeal to the Planning Inspectorate.

Breach of Condition Notice (BCN)

Served in addition to or as an alternative to an Enforcement Notice where development has taken place without compliance with a condition(s) of a planning permission. There is no right of appeal for these notices.

Stop Notice

A Stop Notice may be issued to support an Enforcement Notice. It has the effect of requiring a breach of planning control to cease. A Stop Notice is only used where the breach of planning control is causing severe, serious and irreversible harm. The Notice usually takes effect after a period of 3 days and prohibits continuation of any, or all of the activities specified. Failure to comply with a Stop Notice is an offence liable to prosecution in the Magistrates Court and a fine.

Temporary Stop Notice (TSN)

May be served where a harmful unauthorised development or use needs to be stopped immediately. A TSN can be served before an Enforcement Notice has been served to cease an unauthorised activity on the land (for a maximum of 56 days). There is no right of appeal for these Notices.

Planning Enforcement Order

Where a person deliberately conceals unauthorised development, the deception may not come to light until after the time limits for taken enforcement action have expired. A Planning Enforcement Order enables the Council to take action in relation to an apparent breach of planning control notwithstanding that the time limits have expired. A Local

Planning Authority must have sufficient evidence of the apparent breach of planning control to justify applying for a Planning Enforcement Order.

Hedgerow Replacement Notice

May be served where a hedgerow has been removed. They affect hedgerows which are 20 metres or more in length; which meet another hedgerow at each end; are on or adjoin land used for: agriculture, forestry, the breeding or keeping of horses, ponies or donkeys, common land, village greens, Sites of Special Scientific Interest (SSSIs) or Local Nature Reserves. Garden hedges are not affected.

Section 215 Notice

Under Section 215 of the Town and Country Planning Act 1990 (as amended) a Council can serve a Notice requiring land to be cleared and tidied up when its condition adversely affects the amenity of the area. The notice must specify clearly and precisely what needs to be done to remedy the condition of the land and state a period of time within which the works must be completed. Appeals are made to the Magistrates Court. Failure to comply is an offence subject to prosecution in the Magistrates Court.

Planning Contravention Notice (PCN)

The power to issue a PCN lies in Section 171C of the Town and Country Planning Act 1990 (as amended). This seeks to establish what is happening on a site and who is responsible. It is intended to act as an information gathering tool. The Notice requires details and information on an alleged breach of planning control to be submitted to the Council to clarify whether or not a breach has occurred. Failure to respond within 21 days, or submission of false or misleading information is a criminal offence and may result in prosecution in the Magistrates Court and a potential fine.

Completion Notice

When planning permission has been granted for a development subject to a 'commence within 3 years' condition, and this condition was complied with, but the development has not been completed, the LPA if they are of the opinion that the development will not be completed with a reasonable time period may serve a completion notice stating that the planning permission will cease to have effect at a specified time ('the completion notice deadline').

Enforcement Warning Notice (EWN)

Where it appears to the LPA that there has been a breach of planning control and that there is a reasonable prospect that, if an application is made, permission would be granted an EWN may be issued stating that unless an application for planning permission is made within a period specified in the notice, further enforcement action may be taken. This stops the clock on immunity.

Development Commencement Notice

Requires a relevant person to provide information concerning when development will be commenced

Unauthorised Adverts

Advertisements which are displayed in breach of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 constitute an offence and render those responsible and the owner of the land liable to immediate prosecution in the Magistrates Court and a fine.

Advert Removal Notice

Section 225A of the 1990 Act allows Local Planning Authorities to remove and dispose of any display structure – such as an advertisement hoarding – which, in their opinion, is used for the display of illegal advertisements.

Advert Discontinuance Notice

Discontinuance action is when a Local Planning Authority serves a notice (a 'Discontinuance Notice') under Regulation 8 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, requiring that the display of a particular advertisement with deemed consent (or the use of a particular site for displaying advertisements with deemed consent) be discontinued.

Listed Building Repairs Notice

A Local Planning Authority can serve a Repairs Notice on the owner if they consider that the Listed Building is not being properly preserved under section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Listed Building Urgent Works Notice

Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 enables the Local Planning Authority to carry out urgent works for the preservation of Listed Buildings in their area after giving notice to the owner.

Tree Replacement Notice

A landowner has a duty to replace a tree which is removed in contravention of a TPO (Tree Protection Notice), where this is not complied with the Local Planning Authority have powers under section 270 of the Town and Country Planning Act 1990 to issue a Tree Replacement Notice (TRN). These powers can also be used where a tree has been removed in a conservation area in contravention of Section 211 of the TCPA 1990 and in circumstances when a condition to plant a replacement tree, on a consent to fell a tree under a TPO is not complied with.

Injunction

A planning injunction is a legal order that can be sought by the planning authority to restrain actual or anticipated breaches of planning control under section 187B of the Town and Country Planning Act 1990. The application is generally made against the owner or occupier of the Land and can be made to the County Court or the High Court.

An injunction may be prohibitory or mandatory – that is, it may prohibit a defendant from certain actions, or it may order the defendant to do a certain thing.

Defacement Removal Notice

This type of notice can be used to take action against signs such as graffiti on surfaces which are readily accessible to the public, which it considers to be detrimental to the amenity of the area or offensive. The Notice would be served on the occupier of the premises requiring them to remove or obliterate the sign allowing at least 15 days to comply. If action is not taken within the specified time, the local planning authority may take the action itself and recover its expenses from the person responsible.

Appendix B: Further information (legislation, policy and guidance)

The following is a list of the main legislation, policy and guidance documents that are especially relevant to the work of the planning enforcement team. This list is **not** exhaustive:

Policy/Legislation

- Levelling Up and Regeneration Act 2023
- Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Town and Country Planning (General Permitted Development) Order 2015
- Town and Country Planning (Use Classes) Order 1987 (as amended)
- Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)
- The Planning (Hazardous Substances) Act 1990
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Former District Local Enforcement Plans
- Draft North Yorkshire Council Plan 2023-2027
- Minerals and Waste Joint Plan
- NYC Enforcement Strategy
- NYC Unacceptable Complainant Behaviour Policy

Guidance

- The Planning Portal – Do You Need Permission?
- The Planning Inspectorate - Enforcement Appeals
- National Planning Practice Guidance (NPPG)
- Section 215 Best Practice Guidance
- Planning Inspectorate – enforcement appeals guidance

Appendix C: Examples of Planning/Non Planning Matters

Planning Issues

Examples of breaches that the planning Enforcement Team investigate include, but are not limited to:

- unauthorised operational development – carrying out of building works, for example construction of buildings or extensions.
- unauthorised works to listed buildings that affect its character as a building of special architectural or historic interest.
- unauthorised material changes of use – changing the use of a building or land, for example, using agricultural land for residential purposes.
- unauthorised demolition of buildings (total or substantial) within a conservation area.
- unauthorised works to protected trees and removal of hedgerows in the open countryside.
- breaches of conditions – breaching conditions imposed on planning permissions, for example, conditions restricting hours of operation.
- unauthorised display of advertisements; and
- poor condition of buildings and private land which is affecting the amenity of an area.

Non-Planning Issues

The Planning Enforcement Team receive requests for service regarding issues that do not involve a breach of planning control. To ensure these are dealt with effectively, it is important to identify those issues which are relevant to planning so that advice can be directed appropriately. Examples of issues that may not be planning matters include:

- Obstruction or works affecting the public highway should be reported to North Yorkshire Council Highways Authority.
- Dangerous structures/subsidence and inappropriate building construction methods or practices should be reported to North Yorkshire Building Control Service
- Fly tipping – please report any incidents via the Fly Tipping section of our website.
- Internal refurbishment of buildings that are not Listed.
- Neighbour disputes/boundary, party wall and land ownership or land grab disputes are civil matters that the Council cannot legally get involved in. Further advice on these matters should be obtained from a solicitor or the Citizens Advice Bureau.
- Pests or vermin – please report any incidents via the Pest Control section of our website.
- Disputes arising from noise, smell or light should be reported to the Environmental Protection Team.
- Issues involving pollution or obstruction of a water course, land contamination or unauthorised waste disposal should be reported to the Environmental Protection Team.

- Civil or common law matters such as trespass, rights of access, shared drainage/sewers or assault – you should seek independent legal advice in these instances and/or police involvement where necessary

Appendix D: Useful contacts

North Yorkshire Council

The North Yorkshire Council Website can be accessed via -
[Home | North Yorkshire Council](#)

All Planning matters, including enforcement, can be found at –
[Planning and conservation | North Yorkshire Council](#)

Other information on how to speak with us can be found at -
[Contact us | North Yorkshire Council](#)

The North Yorkshire Council contact phone no. is 0300 131 2131

External agencies and organisations

Health and Safety Executive (health and safety on building sites)
www.hse.gov.uk/

North Yorkshire Police
northyorkshire.police.uk/

Royal Town Planning Institute – National Association of Planning Enforcement
[www.rtpi.org.uk/knowledge/networks/planning-enforcement-\(nape\)/](http://www.rtpi.org.uk/knowledge/networks/planning-enforcement-(nape)/)

Considerate Constructors Scheme
www.ccscheme.org.uk/

Citizens Advice Bureau
www.citizensadvice.org.uk/

Local Government Ombudsman www.lgo.org.uk/make-a-complaint/fact-sheets/planning-and-building-control/planning-enforcement

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Below are screenshots of the questions they are asking councils to answer

- **1. Do you support or object to the Local Enforcement Plan (LEP)?**

- **2. Do you agree with the Council's approach to planning enforcement in section ??**

- **Comment**

- **3. Do you agree with the case priorities set out in section 8.4 of the LEP?**

- **Comment**

- **4. Based on the draft LEP what are your expectations of the planning enforcement service?**

- **5. Do you agree with the site visit timescales section?**

- **6. If an investigation is ongoing for 3 months how often would you expect to be updated?**

- **Comment**

- **7. Is section 9 of the LEP which outlines the types of action that can be taken by the planning enforcement team clear and understandable?**

- **Comment**

- **8. Is there anything you think is missing from the LEP?**
If you make reference to a particular part of the plan please be as clear as possible

- **9. Do you want to provide any other comments?**
If you make reference to a particular part of the plan please be as clear as possible

Collins, Emma <Emma.Collins@northyorkshire.police.uk>

20 January 2026 at
10:29

To: "clerk@burnistonparishcouncil.gov.uk" <clerk@burnistonparishcouncil.gov.uk>,
"clerk@cloughton-pc.gov.uk" <clerk@cloughton-pc.gov.uk>, "clerk@newbyandscalby-tc.gov.uk"
<clerk@newbyandscalby-tc.gov.uk>, "clerk@hacknessgroup-pc.gov.uk" <clerk@hacknessgroup-
pc.gov.uk>, "clerk@irtonparishcouncil.gov.uk" <clerk@irtonparishcouncil.gov.uk>

Dear Parish Council Members,

I hope you are well.

I am writing to inform you that North Yorkshire Police will no longer be producing routine Parish Council reports. This change allows us to streamline our processes and ensure our staff can focus on operational priorities and direct engagement with our communities.

Crime figures and a wide range of local policing information remain available on the North Yorkshire Police website, where general enquiries can also be submitted via the online contact options. We will continue to provide regular updates on local policing priorities within your area through our established communication channels.

For councils that require specific information or have particular concerns, your local Beat Manager or PCSO can provide tailored updates as needed. If you have any questions or wish to request information going forward, please contact us via the Filey SNA mailbox: snafiley@northyorkshire.pnn.police.uk

[Home | North Yorkshire Police](#) this is the link to the North Yorkshire police UK you can find your specific areas by either entering Postcode or address and see regular updates.

Thank you for your understanding as we continue to adapt the way we share information to best support our communities.

Kind regards

Emma

A/Insp 1634 Emma Collins

Easfield & Filey NPT

Internet email is not to be treated as a secure means of communication. North Yorkshire Police monitors all internet email activity and content. This communication is intended for the addressee(s) only. Please notify the sender if received in error. Unauthorised use or disclosure of the content may be unlawful. Opinions expressed in this document may not be official policy. Thank you for your co-operation.

From: A parishioner (NAME REDACTED)

Date: Wed, 7 Jan 2026 at 13:45

Subject: Grit Salt Bin

Message Body:

Good Afternoon,

With the recent adverse weather and icy conditions I wondered what are the procedures for installing grit salt bins on our streets?

I live in The Close in Newby. Due to snow and ice the cul-de-sac roadway and pathways are currently unsafe for pedestrian and motor vehicle usage. The homes within the street are mainly occupied by elderly people and young families which entail an increased duty of care. This issue is apparent every time we are subject to these winter conditions.

The installation of a grit salt bin within the street would ultimately increase use ability and hopefully negate any potential accidents.

Kind Regards,
REDACTED

Newby & Scalby Town Council

Application Form for Discretionary Grant

Name of organisation	Scalby Cinema
Name on bank account (for cheque payments)	Scalby Village Trust
Registered Charity?	Scalby Cinema is not a charity. (Scalby and Newby Village Trust is though, registered number 255439)
Contact name	Caroline Pindar
Position within the group	Volunteer
Contact name's home address	
Contact name's telephone number	
Contact name's e-mail address.	
No. of members in the Group	6
No. of members resident in the parish	6
Total spent by the group in the year	£2,182.60
Total received by the group in the year	£2,205.60
Main income sources – please itemise	Cinema ticket sales
Current bank balance (please state date)	£22,195.82 (30/08/25) Scalby Village Trust account
Amount of grant requested	£1,699
What will be the total cost?	£5,161
For what purpose or project is the grant requested?	Cinema surround sound speakers
When will the money be spent?	As soon as received
Details of other grants/match funding given or applied for.	Making a Difference Locally: applied for funding for a new projector (Max available £2000) - £1,000 granted 28/1/24 Scalby and Newby Village Trust: committed to balance of projector cost. (Total cost of projector £2762) Purchase and installation of Hearing Loop: The Temperance Hall (owned by Scalby and Newby Village Trust) requested £700
Who will benefit from the project?	The new, modern equipment will be technically better so our audience have a better film experience. Our volunteers will also benefit as they currently move about heavy, bulky equipment.
Approximately how many of those who will benefit are Newby & Scalby parishioners?	All our volunteers are parishioners. 90% of the audience are parishioners.
Special/other considerations	Scalby and Newby Village Trust have allocated funds of £21,000 for a major window refurbishment of the Temperance Hall, which was not done during the renovations.

You may use a separate sheet of paper to submit any other information which you feel will support this application.

Please see my covering letter and accounts.

ACTUAL - V - BUDGET 2025/26

INCOME			
		inc. VAT	
BUDGET HEADS OF INCOME	ACTUAL EX VAT to 31/12/25	ACTUAL to 31/12/25	BUDGET 2025/2026
LOAN REPAYMENTS	500.00	500.00	£1,000.00
ALLOTMENT RENTS	3,192.16	3,192.16	£2,800.00
RENT 445 (gross)	11,245.00	11,245.00	£15,000.00
ROOM HIRE HUB	3,079.00	3,079.00	£4,250.00
OTHER HUB INCOME	0.00	0.00	£100.00
INCOME TOILETS	791.26	791.26	£780.00
INTEREST JJ BURCHELL	61.17	61.17	£58.00
INTEREST UNITY (reserve a/c)	1,324.80	1,324.80	£400.00
INTEREST (Skipton)	0.00	0.00	£20.00
MODEL AGREEMENT	6,532.44	6,532.44	£6,532.00
PRECEPT	123,768.00	123,768.00	£123,768.00
VAT REFUND	8,038.58	8,038.58	£2,500.00
OTHER REFUNDS	0.00	0.00	£1.00
GRANTS HUB	0.00	0.00	£1.00
GRANTS PC	0.00	0.00	£1.00
OTHER COUNCIL INCOME	6.75	6.75	£50.00
TOTAL INCOME	158,539.16	158,539.16	£157,261.00
EXPENDITURE			
		inc. VAT	
BUDGET HEADS OF EXPENDITURE	ACTUAL EX VAT to 31/12/25	ACTUAL to 31/12/25	BUDGET 2025/2026
ALLOTMENTS	2,627.45	2,729.69	£2,500.00
AUDIT	8,306.75	9,948.10	£1,000.00
CIVIC RECEPTION	0.00	0.00	£0.00
SUBS, LICENCES & PUBLICATIONS	1,583.56	1,591.89	£1,500.00
GENERAL EXPENDITURE	846.70	943.74	£700.00
INSURANCES	3,989.38	3,989.38	£3,000.00
MODEL AGREEMENT	5,194.68	5,314.28	£6,500.00
CLLR. COSTS	67.05	67.05	£50.00
OFFICE COSTS	2,286.24	2,735.00	£2,600.00
STAFFING COSTS	23,954.13	23,963.13	£55,000.00
WEBSITE COSTS	199.99	219.98	£300.00
PLAYGROUND	0.00	0.00	£300.00
PREMISES (GENERAL)	2,755.65	3,100.48	£3,000.00
PAYMENTS UNDER OTHER POWERS	118.11	0.00	£0.01
BURCHELL BEQUEST	0.00	0.00	£50.00
CONTINGENCY	0.00	0.00	£3,000.00
SCALBY TOILETS	3,708.82	3,818.80	£5,600.00
S137	100.00	100.00	£0.01
NEW PREMISES LOAN REPAYMENTS	29,179.22	29,179.22	£29,179.22
PARISH CARETAKER	330.00	330.00	£2,000.00
ADJUSTMENTS ETC.	0.00	0.00	£0.01
DISCRETIONARY GRANTS	0.00	0.00	£1,000.00
CIVIC PRIDE, SEATS	1,282.32	1,364.98	£500.00
GRIT BINS	0.00	0.00	£150.00
RURAL VERGES & TREE WORK	600.00	720.00	£1,000.00
SSA/CRICKET/FOOTBALL	0.00	0.00	£0.01
PROJECTS (Foulsyke etc)	0.00	0.00	£0.00
LEGAL & PROFESSIONAL COSTS	5,825.00	7,087.31	£10,000.00
445 LETTING COSTS	1,357.83	1,619.31	£2,000.00
445 GEN	957.88	1,074.03	£2,500.00
445b	2,519.78	2,709.66	£3,000.00
COMMUNITY ENG./HUB-ONLY	417.33	465.88	£1,000.00
MISC Unbudgeted	7,374.77	8,896.33	£0.00
2025/2026 SPEND	105,582.64	111,968.24	137,429.26
TOTAL EXPENDITURE	£105,583	£111,968	£137,429



DUCHY *of* LANCASTER

1 Lancaster Place, Strand, London WC2E 7ED

Ref: 3C078

Newby & Scalby Town Council
F.A.O. Mrs J Marley
445b Scalby Road
Scalby
Scarborough
North Yorkshire
YO12 6UA

17th December 2025

Dear Mrs Marley,

Duchy of Lancaster – Charity and Community Association Rent Concession Policy Lease dated 03/12/1958 (“Lease”)

Allotments - Hackness Road

The Duchy has recently reviewed its policy in relation to the rent charged to its charity and community association tenants and has decided that with effect from 25 November 2025, those organisations with financial need and limited financial resources which provide community benefits and/or contribute to community wellbeing should have their rents commuted to nil during the reign of His Majesty King Charles III.

The concession is also dependent on the continuation of charitable activities as described above.

The concession is recorded in the following paragraph and if you are content, I should be grateful if you would sign the enclosed copy of this letter and return it to me in the enclosed stamped, addressed envelope.

Rent Concession

Notwithstanding the rent specified in the Lease and as a concession which is personal to Newby & Scalby Town Council and not assignable by it, the rent from 25 November 2025 shall be one peppercorn if asked and not as specified in the Lease.

This concession will automatically determine (a) on the date specified in a written notice from the Landlord following the Demise of the Crown (such date to be not less than three months after the date of the said notice) and (b) on the date on which the Tenant ceases to provide community benefit/wellbeing and in either such event the rent specified in the Lease shall again be payable, in the case of (a) from the date specified in the Landlord's notice and in the case of (b) from the date the provision of community benefit ceases.

Mark Coombs
Head of Rural Investment

Direct Line 020 7269 1700 / Mobile 07834 104745

Email mcoombs@duchyoflancaster.co.uk

Website www.duchyoflancaster.co.uk

REPORT

FROM: Jools Marley, Clerk to Council.

TO: All Councillors

DATE: 27th September 2025 (updated 4th February 2026)

SUBJECT: Recommendations of Review & Staffing Committee held on 26th September 2025 – Standing Orders, Financial Regulations and Scheme of Delegation

The Review & Staffing Committee undertook a thorough and comprehensive examination of Standing Orders (SO) and Financial Regulations (FR) against NALC templates and submitted its recommendations to Council at the meeting of 17th September 2025.

In the event, changes to both documents were questioned by Cllr. Buckley. While the amended Standing Orders were accepted by Council, the Financial Regulations were not and as a consequence both documents were referred back to the Review and Staffing Committee for further consideration.

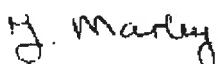
The Review & Staffing Committee met on 26th September 2025 and carefully reviewed both Cllr. Buckley's observations and its original recommendations as well as the Scheme of Delegation.

The Review & Staffing Committee resolved its original recommendations stood without change with one exception – SO18c) be included with reporting to the Finance and General Purposes Committee - and should be submitted to the next meeting of Council with a recommendation to the effect that the updated Standing Orders and Financial Regulations be adopted with effect from midnight on the date of that next Council meeting. Committee also resolved the Scheme of Delegation was complete and be submitted to Council

The relevant Standing Orders, Financial Regulations and Scheme of Delegation are attached to this report.

COMMITTEE'S RECOMMENDATIONS TO COUNCIL:-

- 1] Council resolves to receive and note this report and attached Standing Orders, Financial Regulations and Scheme of Delegation.
- 2] Council resolves to adopt the attached Standing Orders, Financial Regulations and Scheme of Delegation with effect from midnight on 11th February 2026.
- 3] Should these recommendations be carried by Council, the Clerk to Council/RFO be authorised to make the necessary arrangements to put the recommendations into effect.



Jools Marley CiLCA
Clerk to Council



NEWBY & SCALBY TOWN COUNCIL

STANDING ORDERS

(agenda item 9.1 and associated report refers).

[See last page for amendment history]

National Association of Local Councils (NALC)

020 7637 1865 | nalc@nalc.gov.uk | www.nalc.gov.uk

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INTRODUCTION

Based on NALC Standing Orders issued April 2025.

HOW TO USE MODEL STANDING ORDERS

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

Local councils operate within a wide statutory framework. NALC model standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the model standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical for model standing orders to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council's standing orders.

The model standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the council's Responsible Financial Officer. Model financial regulations are available to councils in membership of NALC.

DRAFTING NOTES

Model standing orders that are in bold type contain legal and statutory requirements and it is recommended that councils adopt them without changing them or their meaning. Model standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council's needs.

For convenience, the word "councillor" is used in model standing orders and, unless the context suggests otherwise, includes a non-councillor with or without voting rights. Model standing orders use gender-neutral language (e.g. "Chair").

1. **RULES OF DEBATE AT MEETINGS**

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chair of the meeting. A motion is a proposal made by a councillor for an issue to be discussed at a meeting and for a decision to be made accordingly,
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chair of the meeting, is expressed in writing to the chair.
- h A councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chair of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair of the meeting.
- k One or more amendments may be discussed together if the chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chair of the meeting, a councillor may speak once in

the debate on a motion except:

- i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A point of order is an appeal to the chair of the meeting for clarification or for a ruling on a matter of procedure. A councillor raising a point of order shall identify the standing order which (s)he considers has been breached or specify the other irregularity in the proceedings of the meeting (s)he is concerned by.
- q A point of order shall be decided by the chair of the meeting and their decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed (three) minutes without the consent of the chair of the meeting.

2. DISORDERLY CONDUCT AT MEETINGS

- a No person shall obstruct or attempt to disrupt the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chair of the meeting to moderate or improve their conduct, any councillor or the Chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) is ignored, the chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. MEETINGS GENERALLY

Full Council meetings	●
Committee meetings	●
Sub-committee meetings	●

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.** Legal, staffing and commercial matters will usually be confidential but this list is not exhaustive.
- e If invited to do so by the Chair of the meeting, members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the chair of the meeting.

- g Subject to standing order 3(f), a member of the public shall not speak for more than 3 minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.
- i A person shall raise his hand when requesting to speak.
- j A person who speaks at a meeting shall direct their comments to the chair of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
- l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission from the Chair of the meeting.**
- n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council (if there is one).**
- p **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- r **The chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not (s)he gave an original vote.**

- See *standing orders 5(h) and (i) for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.*
- s **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- t The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors who are present and the names of councillors who are absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
 - v. whether a councillor or non-councillor with voting rights left the meeting when matters that (s)he held interests in were being considered;
 - vi. if there was a public participation session; and
 - vii. the resolutions made.
- u **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on their right to participate and vote on that matter.**
- v **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**

Quorum for Ordinary and Extraordinary Meetings of Newby & Scalby Town Council is five members of Council present and voting.

See standing order 4f(v) for the quorum of a committee or sub-committee meeting.
- w **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.**
- x A meeting shall not exceed a period of two hours.

- y Smoking including the use of devices intended to imitate smoking is not permitted at any meeting of the Council, its committees, sub-committees or working groups.
- z All mobile phones must be switched to off or silent for the duration of any meeting of the Council, its committees, sub-committees and working groups.

4. **COMMITTEES AND SUB-COMMITTEES**

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d A member who has proposed a resolution which has been referred to any committee of which he is not a member may explain his resolution to the committee but shall not vote.
- e In order to avoid confusion (especially for members of the public who attend meetings) as to which Councillor is a member of a committee, sub-committee or working group, non-members must be seated with the public. Councillors are only entitled to inspect documents or have papers for those committees, sub-committees or working groups of which (s)he is a member.
- f The Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall permit a committee to determine the number and time of its meetings;
 - iii. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
 - iv. shall permit a committee to appoint its own chair at the first meeting of the committee;
 - v. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
 - vi. shall determine if the public may participate at a meeting of a committee;
 - vii. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;

viii. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and

ix. may dissolve a committee or a sub-committee.

5. **ORDINARY COUNCIL MEETINGS**

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.**
- f **The Chair of the Council, unless (s)he has resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chair of the Council, if there is one, unless (s)he resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, (s)he shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, (s)he shall preside at the annual meeting until a new Chair of the Council has been elected. (S)he may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business may include:
 - i. **In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of their**

acceptance of office form unless the Council resolves for this to be done at a later date;

- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
- iii. Receipt of the minutes of the last meeting of a committee;
- iv. Consideration of the recommendations made by a committee;
- v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- vi. Review of the terms of reference for committees;
- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees in accordance with standing order 4;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
- xiii. Review of inventory of land and other assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xv. Review of the Council's and/or staff subscriptions to other bodies;
- xvi. Review of the Council's complaints procedure;
- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xxi. Determining the time and place of ordinary meetings of the Council up to

and including the next annual meeting of the Council.

6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

- a **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c The chair of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.
- d If the chair of a committee or a sub-committee does not call an extraordinary meeting within seven days of having been requested to do so by two members of the committee or the sub-committee, any two members of the committee or the sub-committee may convene an extraordinary meeting of the committee or a sub-committee.

7. PREVIOUS RESOLUTIONS

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least five councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

8. VOTING ON APPOINTMENTS

- a Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chair of the meeting.

9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 14

clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 10 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

10. **MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a committee or sub-committee and their members;
 - x. to extend the time limits for speaking;
 - xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;

- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

11. **MANAGEMENT OF INFORMATION**

See also standing order 2

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**
- e If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of services, of any person employed or recently employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the public shall be excluded. (See Standing Order No. 10a) xi).

12. **DRAFT MINUTES**

- Full Council meetings ●
- Committee meetings ●
- Sub-committee meetings ●

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.

- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, (s)he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chair of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but this view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

- e **If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. **CODE OF CONDUCT AND DISPENSATIONS**

See also standing order 3(u).

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless (s)he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which (s)he has a disclosable pecuniary interest. (S)he may return to the meeting after it has considered the matter in which (s)he had the interest.
- c Unless (s)he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which (s)he has another interest if so required by the Council’s code of conduct. (S)he may return to the meeting after it has considered the matter in which (s)he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as early as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.

- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required
- h **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
 - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
 - ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
 - iii. **it is otherwise appropriate to grant a dispensation.**

14. **CODE OF CONDUCT COMPLAINTS**

- a **Upon notification by the Principal Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office. The Principal Council is North Yorkshire Council.**

15. **PROPER OFFICER**

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
 - i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
 - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**

- **provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least eight days before the meeting confirming their withdrawal of it;
- iii. convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office;
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;
(*see also standing order 23*);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a written or electronic record for such purpose;

- xv. manage access to information about the Council via the publication scheme; and
 - xvi. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.
(see also standing order 23).
- c No member shall have the right to ask or demand that the Proper Officer or any member of staff carry out any act or deed which is not in fulfilment of a Resolution of the Council or its Committees, or his/her obligations as the Responsible Financial Officer of the Council.
 - d Where any additional work or duties are required of the Proper Officer, members must agree such work prior to it being carried out and the Chair or Vice Chair will instruct the Proper Officer thereof.

16. **DELEGATED POWERS**

- a Powers and responsibilities are delegated to the Town Clerk & Deputy Clerk/RFO in accordance with the Town Council's Scheme of Delegation.

17. **RESPONSIBLE FINANCIAL OFFICER**

- b The Council may appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.
- c The Council delegates financial authority to the Responsible Financial Officer as laid out in the Council's Financial Regulations and Scheme of Delegation.

18. **ACCOUNTS AND ACCOUNTING STATEMENTS**

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to the Finance and General Purposes Committee as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the Council's receipts and payments (or income and expenditure) for each quarter;
 - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
 - iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 5 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

19. **FINANCIAL CONTROLS AND PROCUREMENT**

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below £60,000 or due to special circumstances are exempt from a competitive tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the

prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;

- iii. tenders must be submitted in writing in a sealed envelope marked with the title of the contract and addressed to the Proper Officer. The envelope must NOT bear any indication as to the identity of the tenderer;
 - iv. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - v. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- d. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value or any tender.
- e. **Where the value of a contract is likely to exceed the threshold specified by the Government from time to time, the Council must consider whether the contract is subject to the requirements of the current procurement legislation and, if so, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**

20. HANDLING STAFF MATTERS

- a. A matter personal to a member of staff that is being considered by a meeting of the Council, its committees or sub-committees is subject to standing order 11.
- b. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chair of the Review & Staffing Committee or, if (s)he is not available, the vice-chair (if there is one) of the Review & Staffing Committee of absence occasioned by illness or other reason and that person shall report such absence to the Review & Staffing Committee at its next meeting.
- c. The chair of the Review & Staffing Committee or in their absence, the vice-chair shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk to Council. Reviews and appraisals of staff managed by the Clerk to Council shall be carried out by the Clerk to Council and reported to the Review & Staffing Committee. The review and appraisals are subject to approval by resolution by the Review & Staffing Committee.
- d. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chair of the Review & Staffing Committee or in their absence, the vice-chair of the Review & Staffing Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Review & Staffing Committee.
- e. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Clerk to Council relates to

the chair or vice-chair of the Review & Staffing Committee, this shall be communicated to another member of the Review & Staffing Committee, which shall be reported back and progressed by resolution of the Review & Staffing Committee.

- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

21. **RESPONSIBILITIES TO PROVIDE INFORMATION**

See also standing order 22.

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b The Council shall publish information in accordance with any applicable regulations in respect of transparency.

22. **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

See also standing order 11.

- a The Council may appoint a Data Protection Officer.
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f **The Council shall maintain a written record of its processing activities.**

23. **RELATIONS WITH THE PRESS/MEDIA**

- a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

24. **EXECUTION AND SEALING OF LEGAL DEEDS**

See also standing orders 15(b)(xii) and (xvi).

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to standing order 24(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

25. **COMMUNICATING WITH UNITARY COUNCILLORS**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the Unitary Council representing the area of the Council.

26. **RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a Unless duly authorised no councillor shall:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions; or
 - iii. incur or commit Council to any expenditure.

27. **STANDING ORDERS GENERALLY**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to permanently add to or vary or revoke one or more of the Council's standing orders or financial regulations, except one that incorporates mandatory statutory or legal requirements, shall
 - i. be proposed by a special motion, the written notice by at least five councillors to be given to the Proper Officer in accordance with standing order 9.
 - ii stand adjourned without discussion to the next ordinary meeting of the Council, and
 - iii. not be carried unless two-thirds of the councillors at an ordinary meeting of the Council vote in favour of the same.
- c The Proper Officer shall provide a copy of the Council's standing orders to the councillor's official council email address as soon as possible after the councillor has signed his or her acceptance of office..
- d The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.

Document History		
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NEWBY & SCALBY TOWN COUNCIL

FINANCIAL REGULATIONS

(agenda item 9.1 and associated report refers).

[See last page for amendment history]

MODEL FINANCIAL REGULATIONS FOR LOCAL COUNCILS

This Model Financial Regulations template was produced by the National Association of Local Councils (NALC) in April 2024 for the purpose of its member councils and county associations. Every effort has been made to ensure that the contents of this document are correct at time of publication. NALC cannot accept responsibility for errors, omissions and changes to information subsequent to publication. An update was issued 13/3/2025

Notes to assist in the use of this template:

- 1) Bold text indicates legal requirements, which a council cannot change or suspend.
- 2) Curly brackets indicate words, sentences or sections that can be removed if not applicable, or amended to fit the council's circumstances. An example of this is the phrase {or duly delegated committee}, which can be deleted if there are no committees.

These Financial Regulations are based on the NALC template updated 13/03/2025

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These Financial Regulations were adopted by the council at its meeting held on [enter date].

1. General

- 1.1. These Financial Regulations govern the financial management of the council and may only be amended or varied by resolution of the council. They are one of the council's governing documents and shall be observed in conjunction with the council's Standing Orders.
- 1.2. Councillors are expected to follow these regulations and not to entice employees to breach them. Failure to follow these regulations brings the office of councillor into disrepute.
- 1.3. Wilful or negligent breach of these regulations by an employee may result in disciplinary proceedings.
- 1.4. In these Financial Regulations:
 - 'Accounts and Audit Regulations' means the regulations issued under Sections 32, 43(2) and 46 of the Local Audit and Accountability Act 2014, or any superseding legislation, and then in force, unless otherwise specified.
 - "Approve" refers to an online action, allowing an electronic transaction to take place.
 - "Authorise" refers to a decision by the council, or a committee or an officer, to allow something to happen.
 - 'Proper practices' means those set out in *The Practitioners' Guide*
 - *Practitioners' Guide* refers to the guide issued by the Joint Panel on Accountability and Governance (JPAG) and published by NALC in England or Governance and Accountability for Local Councils in Wales – A Practitioners Guide jointly published by One Voice Wales and the Society of Local Council Clerks in Wales.
 - 'Must' and **bold text** refer to a statutory obligation the council cannot change.
 - 'Shall' refers to a non-statutory instruction by the council to its members and staff.
- 1.5. The Responsible Financial Officer (RFO) holds a statutory office, appointed by the council. [The Clerk has been appointed as RFO and these regulations apply accordingly.] The RFO;
 - acts under the policy direction of the council;
 - administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
 - determines on behalf of the council its accounting records and control systems;
 - ensures the accounting control systems are observed;
 - ensures the accounting records are kept up to date;
 - seeks economy, efficiency and effectiveness in the use of council resources; and
 - produces financial management information as required by the council.
- 1.6. **The council must not delegate any decision regarding:**

- **setting the final budget or the precept (council tax requirement);**
- **the outcome of a review of the effectiveness of its internal controls**
- **approving accounting statements;**
- **approving an annual governance statement;**
- **borrowing;**
- **declaring eligibility for the General Power of Competence; and**
- **addressing recommendations from the internal or external auditors**

1.7. In addition, the council shall:

- determine and regularly review the bank mandate for all council bank accounts;
- authorise any grant or single commitment in excess of £25,000;

2. Risk management and internal control

- 2.1. **The council must ensure that it has a sound system of internal control, which delivers effective financial, operational and risk management.**
- 2.2. The RFO with the Clerk shall prepare, for approval by the council, a risk management policy covering all activities of the council. This policy and consequential risk management arrangements shall be reviewed by the council at least annually.
- 2.3. When considering any new activity, the RFO with the Clerk shall prepare a draft risk assessment including risk management proposals for consideration by the council.
- 2.4. **At least once a year, the council must review the effectiveness of its system of internal control, before approving the Annual Governance Statement.**
- 2.5. **The accounting control systems determined by the RFO must include measures to:**
 - **ensure that risk is appropriately managed;**
 - **ensure the prompt, accurate recording of financial transactions;**
 - **prevent and detect inaccuracy or fraud; and**
 - **allow the reconstitution of any lost records;**
 - **identify the duties of officers dealing with transactions and**
 - **ensure division of responsibilities.**
- 2.6. At least once in each quarter, and at each financial year end, a member other than the Chair shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign and date the reconciliations and the original bank statements (or similar document) as evidence of this. This activity, including any exceptions, shall be reported to and noted by the Finance & General Purposes Committee.

- 2.7. Regular back-up copies shall be made of the records on any council computer and stored either online or in a separate location from the computer. The council shall put measures in place to ensure that the ability to access any council computer is not lost if an employee leaves or is incapacitated for any reason.

3. Accounts and audit

- 3.1. All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations.
- 3.2. **The accounting records determined by the RFO must be sufficient to explain the council's transactions and to disclose its financial position with reasonably accuracy at any time. In particular, they must contain:**
- **day-to-day entries of all sums of money received and expended by the council and the matters to which they relate;**
 - **a record of the assets and liabilities of the council;**
- 3.3. The accounting records shall be designed to facilitate the efficient preparation of the accounting statements in the Annual Governance and Accountability Return.
- 3.4. The RFO shall complete and certify the annual Accounting Statements of the council contained in the Annual Governance and Accountability Return in accordance with proper practices, as soon as practicable after the end of the financial year. Having certified the Accounting Statements, the RFO shall submit them (with any related documents) to the council, within the timescales required by the Accounts and Audit Regulations.
- 3.5. **The council must ensure that there is an adequate and effective system of internal audit of its accounting records and internal control system in accordance with proper practices.**
- 3.6. **Any officer or member of the council must make available such documents and records as the internal or external auditor consider necessary for the purpose of the audit** and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary.
- 3.7. The internal auditor shall be appointed by the council and shall carry out their work to evaluate the effectiveness of the council's risk management, control and governance processes in accordance with proper practices specified in the Practitioners' Guide.
- 3.8. The council shall ensure that the internal auditor:
- is competent and independent of the financial operations of the council;
 - reports in writing, or in person, on a regular basis with a minimum of one written report during each financial year;
 - can demonstrate competence, objectivity and independence, free from any actual or perceived conflicts of interest, including those arising from family relationships; and

- has no involvement in the management or control of the council

3.9. Internal or external auditors may not under any circumstances:

- perform any operational duties for the council;
- initiate or approve accounting transactions;
- provide financial, legal or other advice including in relation to any future transactions; or
- direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

3.10. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as described in The Practitioners Guide.

3.11. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts, including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and documents required by the Local Audit and Accountability Act 2014, or any superseding legislation, and the Accounts and Audit Regulations.

3.12. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

4. Budget and precept

4.1. **Before setting a precept, the council must calculate its council tax requirement for each financial year by preparing and approving a budget, in accordance with The Local Government Finance Act 1992 or succeeding legislation.**

4.2. Budgets for salaries and wages, including employer contributions shall be reviewed by the Review & Staffing Committee at least annually in September for the following financial year and its recommendations be put to Council in October prior to the setting of the annual budget.

4.3. No later than the end of November each year, the RFO shall prepare a draft budget with detailed estimates of all receipts and payments for the following financial year, taking account of the lifespan of assets and cost implications of repair or replacement.

4.4. Unspent budgets for completed projects shall not be carried forward to a subsequent year. Unspent funds for partially completed projects may be carried forward (by placing them in an earmarked reserve) with the formal approval of the full council.

4.5. Every committee with a dedicated budget shall review its draft budget and submit any proposed amendments to the Finance & General Purposes Committee not later than the end of October each year.

- 4.6. The draft budget with any committee proposals, including any recommendations for the use or accumulation of reserves, shall be considered by the Finance & General Purposes Committee and a recommendation made to the council.
- 4.7. Having considered the proposed budget and , the council shall determine its council tax requirement by setting a budget. The council shall set its precept no later than the end of December for the ensuing financial year.
- 4.8. **Any member with council tax unpaid for more than two months is prohibited from voting on the budget or precept by Section 106 of the Local Government Finance Act 1992 and must disclose at the start of the meeting that Section 106 applies to them.**
- 4.9. The RFO shall **issue the precept to the billing authority no later than the end of February.**
- 4.10. The agreed budget provides a basis for monitoring progress during the year by comparing actual spending and income against what was planned.
- 4.11. Any addition to, or withdrawal from, any earmarked reserve shall be agreed by the Finance & General Purposes Committee.

5. Procurement

- 5.1. **Members and officers are responsible for obtaining value for money at all times.** Any officer procuring goods, services or works should ensure, as far as practicable, that the best available terms are obtained, usually by obtaining prices, terms and conditions and a description of the supply from several suppliers.
- 5.2. The RFO should verify the lawful nature of any proposed purchase before it is made and in the case of new or infrequent purchases, should ensure that the legal power being used is reported to the meeting at which the order is authorised and also recorded in the minutes.
- 5.3. Every contract shall comply with the council's Standing Orders and these Financial Regulations and no exceptions shall be made, except in an emergency.
- 5.4. **For a contract for the supply of goods, services or works where the estimated value will exceed the thresholds set by Parliament, the full requirements of The Procurement Act 2023 and The Procurement Regulations 2024 or any superseding legislation ("the Legislation"), must be followed in respect of the tendering, award and notification of that contract.**
- 5.5. Where the estimated value is below the Government threshold, the council shall (with the exception of items listed in paragraph 5.12) obtain prices as follows:
- 5.6. For contracts estimated to exceed £60,000 including VAT, the Clerk shall advertise an open invitation for tenders in compliance with any relevant provisions of the Legislation. Tenders shall be invited in accordance with Appendix 1.
- 5.7. **For contracts estimated to be over £30,000 including VAT, the council must comply with any requirements of the Legislation regarding the publication of invitations and notices.**

- 5.8. For contracts estimated to exceed £10,000 excluding VAT but not to exceed £60,000 excluding VAT the Clerk or RFO shall seek 3 fixed-price quotes;
- 5.9. Where the value of a contract is estimated to be between £3,000 and £10,000 excluding VAT, the Clerk or RFO shall try to obtain 3 estimates - which might include evidence of online prices, or recent prices from regular suppliers, bearing in mind that estimates are not fixed and may be changed by the supplier.
- 5.10. For smaller purchases, the Clerk or RFO shall seek to achieve value for money.
- 5.11. **Contracts must not be split to avoid compliance with these rules.**
- 5.12. The requirement to obtain competitive offers in these regulations need not apply to contracts that relate to items (i) to (iv) below:
- i. specialist services, such as legal or financial professionals or specialist consultants;
 - ii. repairs to, or parts for, existing machinery or equipment;
 - iii. works, goods or services that constitute an extension of an existing contract;
 - iv. goods or services that are only available from one supplier or are sold at a fixed price.
- 5.13. When applications are made to waive this financial regulation to enable a contract to be negotiated without competition, a cogent reason must be set out in a recommendation to the council. Avoidance of competition is not a valid reason.
- 5.14. The council shall not be obliged to accept the lowest or any tender, quotation or estimate.
- 5.15. Individual purchases may be authorised by:
- the Clerk or RFO under delegated authority for any items below £1,000 excluding VAT.
 - the Clerk or RFO, in consultation with the Chair of the Council or the Chair of the Finance & General Purposes Committee, for any items £1,000 and above but below £5,000 excluding VAT.
 - The Finance & General Purposes Committee for all items of expenditure over £5,000 but below £25,000 excluding VAT.
 - the council for all items £25,000 excluding VAT and over.
- Such authorisation must be supported by a minute.
- 5.16. No individual member, or informal group of members may issue an official order or make any contract on behalf of the council.
- 5.17. No expenditure may be authorised that will exceed the budget for that type of expenditure other than by resolution of the council or a duly delegated committee acting within its Terms of Reference except in an emergency.
- 5.18. In cases of serious or imminent risk to the delivery of council services or to public safety on council premises, the Clerk or RFO may authorise expenditure of up to £5,000 excluding VAT on repair, replacement or other work that in their judgement

is necessary, whether or not there is any budget for such expenditure. The Clerk shall report such action to the Chair as soon as possible and to the relevant committee and council as soon as practicable thereafter.

- 5.19. No expenditure shall be authorised, no contract entered into or tender accepted in relation to any major project, unless the council is satisfied that the necessary funds are available and that where a loan is required, Government borrowing approval has been obtained first.
- 5.20. An official order, letter or email shall be issued for all work, goods and services above £1,000 excluding VAT unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained, along with evidence of receipt of goods.
- 5.21. Any ordering system can be misused and access to them shall be controlled by the RFO.

6. Banking and payments

- 6.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and authorised by the council; a decision on banking arrangements shall not be delegated to a committee. The council has resolved to bank with Unity Trust Bank. The arrangements shall be reviewed at least every two years for security and efficiency.
- 6.2. The council must have safe and efficient arrangements for making payments, to safeguard against the possibility of fraud or error. Wherever possible, more than one person should be involved in any payment, for example by dual online authorisation or dual cheque signing. Even where a purchase has been authorised, the payment must also be authorised and only authorised payments shall be approved or signed to allow the funds to leave the council's bank.
- 6.3. All invoices for payment should be examined for arithmetical accuracy, analysed to the appropriate expenditure heading and verified to confirm that the work, goods or services were received, checked and represent expenditure previously authorised by the council before being certified by the RFO.
- 6.4. Personal payments to employees (including salaries, wages, expenses and any payment made in relation to the termination of employment) may be summarised as "staffing" on the public part of any Schedule of Payments to avoid disclosing any personal information. Such payments shall be itemised as a confidential item on the rear of any Schedule of Payments and details will only be available to the two councillors authorising the online payment or signing the cheque.
- 6.5. All payments shall be made by online banking in accordance with a resolution of the council or duly delegated committee, or a delegated decision by an officer. Payment by cheque shall be as an exception.
- 6.6. For each financial year the RFO may draw up a schedule of regular payments due in relation to a continuing contract or obligation (such as Salaries, PAYE, National Insurance, pension contributions, rent, rates, regular maintenance contracts and

similar items), which the council or a duly delegated committee may authorise in advance for the year.

6.7. The Clerk and RFO shall have delegated authority to authorise payments in the following circumstances:

- i. any payment necessary to avoid a charge under the Late Payment of Commercial Debts (Interest) Act 1998 or to comply with contractual terms, where the due date for payment is before the next scheduled meeting of the council or Finance & General Purposes Committee, where the Clerk or RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council or Finance & General Purposes Committee.
- ii. Fund transfers within the councils banking arrangements up to the sum of £75,000.

6.8. The RFO shall present a schedule of payments requiring authorisation or ratification, forming part of the agenda for the meeting, together with the relevant invoices (redacted as necessary), to the Finance & General Purposes Committee or Council. The Finance & General Purposes Committee or Council shall review the schedule for compliance and, having satisfied itself, shall authorise or ratify payment by resolution. The authorised or ratified schedule shall be initialled immediately below the last item by the person chairing the meeting. The minutes of the meeting shall state which two councillors are to authorise the online payments and shall show the total amount of the sum approved. .

7. Electronic payments

- 7.1. Where internet banking arrangements are made with any bank, the RFO shall be appointed as the Service Administrator and have View, Submit, Authorise authority. The Clerk shall also have View, Submit, Authorise authority. The bank mandate agreed by the council shall identify councillors who will be authorised to approve transactions on those accounts and a minimum of two people will be involved in any online approval process. The Clerk may be an authorised signatory, but no signatory should be involved in approving any payment to themselves.
- 7.2. No employee or councillor shall disclose any PIN or password, relevant to the council or its banking, to anyone not authorised in writing by the council or a duly delegated committee.
- 7.3. The RFO (or Clerk in the RFO's absence) shall set up all items due for payment online. A list of payments for approval, together with copies of the relevant invoices (redacted as necessary), shall be available to the two councillors authorised by the meeting to approve the online banking transactions or sign the cheques.
- 7.4. In the prolonged absence of the RFO, the Clerk or an authorised signatory shall set up any payments due before the return of the RFO but will not authorise any payments which they have set up.

- 7.5. The two councillors authorised by the meeting to approve the payments shall check the payment details against the invoices before approving each payment using the online banking system.
- 7.6. Evidence shall be retained showing which members approved the payment online
- 7.7. With the approval of the Finance & General Purposes Committee, regular payments (such as gas, electricity, telephone, broadband, water, National Non-Domestic Rates, refuse collection, pension contributions and HMRC payments) may be made by variable direct debit, provided that the instructions are signed/approved online by two authorised members. The approval of the use of each variable direct debit shall be reviewed by the Finance & General Purposes Committee at least every two years.
- 7.8. Payment may be made by BACS or CHAPS by resolution of the Finance & General Purposes Committee or Council provided that each payment is approved online by two authorised bank signatories, evidence is retained and any payments are reported to the next relevant meeting. The approval of the use of BACS or CHAPS shall be reviewed by resolution of the council at least every two years.
- 7.9. If thought appropriate by the Finance & General Purposes Committee, regular payments of fixed sums may be made by banker's standing order, provided that the instructions are signed or approved online by two authorised members, evidence of this is retained and any payments are reported to council when made. The approval of the use of a banker's standing order shall be reviewed by the council] at least every two years.
- 7.10. Account details for suppliers may only be changed upon written notification by the supplier verified by the Clerk and the RFO or a member of the Finance & General Purposes Committee. This is a potential area for fraud and the individuals involved should ensure that any change is genuine. Data held should be checked with suppliers every three years.
- 7.11. Members and officers shall ensure that any computer used for the council's financial business has adequate security, with anti-virus, anti-spyware and firewall software installed and regularly updated.
- 7.12. Remembered password facilities should not be used on any computer used for council banking.

8. Cheque payments

- 8.1. Cheques or orders for payment in accordance with a resolution or delegated decision shall be signed by two members and countersigned by the Clerk or RFO.
- 8.2. A signatory having a family or business relationship with the beneficiary of a payment shall not, under normal circumstances, be a signatory to that payment.
- 8.3. To indicate agreement of the details on the cheque with the counterfoil and the invoice or similar documentation, the signatories shall also initial the cheque counterfoil and invoice.

- 8.4. Any signatures obtained away from council meetings shall be reported to the Finance & General Purposes Committee at the next convenient meeting.

9. Payment cards

- 9.1. Any Debit Cards issued for use will be specifically restricted to the Clerk and the RFO and will also be restricted to a single transaction maximum value of £750 unless authorised by the Finance & General Purposes Committee in writing before any order is placed.
- 9.2. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the Finance & General Purposes Committee. Transactions and purchases made will be reported to the Finance & General Purposes Committee and authority for topping-up shall be at the discretion of the Finance & General Purposes Committee.
- 9.3. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk and RFO and any balance shall be paid in full each month.
- 9.4. Use of personal credit or debit cards or cash by the Clerk and RFO is discouraged and shall be the exception where no other alternative is available. Under no circumstances should councillors use personal credit or debit cards or cash.

10. Petty Cash

- 10.1. The RFO shall maintain a petty cash imprest account of £150 and may provide petty cash to officers for the purpose of defraying operational and other expenses.
- a) Vouchers for payments made from petty cash shall be kept, along with receipts to substantiate every payment.
 - b) Cash income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
 - c) Payments to maintain the petty cash float shall be drawn by cheque and shown separately on any schedule of payments presented for approval.

11. Payment of salaries and allowances

- 11.1. **As an employer, the council must make arrangements to comply with the statutory requirements of PAYE legislation.**
- 11.2. **Councillors allowances (where paid) are also liable to deduction of tax under PAYE rules and must be taxed correctly before payment.**
- 11.3. Salary rates shall be agreed by the council, No changes shall be made to any employee's gross pay, emoluments, or terms and conditions of employment without the prior consent of the council .
- 11.4. Payment of salaries shall be made, after deduction of tax, national insurance, pension contributions and any similar statutory or discretionary deductions, on the dates stipulated in employment contracts.

- 11.5. Deductions from salary shall be paid to the relevant bodies within the required timescales, provided that each payment is reported, as set out in these regulations above.
- 11.6. Each payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a payroll control account or other separate confidential record, with the total of such payments each calendar month reported in the cashbook. Payroll reports may be reviewed by the Finance & General Purposes Committee to ensure that the correct payments have been made.
- 11.7. Any termination payments shall be supported by a report to the council, setting out a clear business case. Termination payments shall only be authorised by the full council.

12. Loans and investments

- 12.1. Any application for Government approval to borrow money and subsequent arrangements for a loan must be authorised by the full council and recorded in the minutes. All borrowing shall be in the name of the council, after obtaining any necessary approval.
- 12.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase, Leasing of tangible assets or loans to be repaid within the financial year) must be authorised by the full council, following a written report on the value for money of the proposed transaction.
- 12.3. The council shall consider the requirement for an Investment Strategy and Policy in accordance with Statutory Guidance on Local Government Investments, which must be written in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.
- 12.4. All investment of money under the control of the council shall be in the name of the council.
- 12.5. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 12.6. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, shall be made in accordance with these regulations.

13. Income

- 13.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.
- 13.2. The council will review all fees and charges for work done, services provided, or goods sold at least annually as part of the budget-setting process, following a report of the Clerk. The RFO shall be responsible for the collection of all amounts due to the council.

- 13.3. Any sums found to be irrecoverable and any bad debts shall be reported to the council by the RFO and shall be written off in the year. The council's approval shall be shown in the accounting records.
- 13.4. All sums received on behalf of the council shall be deposited intact with the council's bankers, with such frequency as the RFO considers necessary. The origin of each receipt shall clearly be recorded on the paying-in slip or other record.
- 13.5. Personal cheques shall not be cashed out of money held on behalf of the council.
- 13.6. Any repayment claim under section 33 of the VAT Act 1994 shall be made monthly where the claim exceeds £100 and at least annually at the end of the financial year.
- 13.7. Where significant sums of cash are regularly received by the council, the RFO shall ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control record such as ticket issues, and that appropriate care is taken for the security and safety of individuals banking such cash.
- 13.8. Any income that is the property of a charitable trust shall be paid into a dedicated bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting.

14. Payments under contracts for building or other construction works

- 14.1. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments, which shall be made within the time specified in the contract based on signed certificates from the architect or other consultant engaged to supervise the works.
- 14.2. Any variation of, addition to or omission from a contract must be authorised by the Clerk to the contractor in writing, with the council being informed where the final cost is likely to exceed the contract sum by 10% or more, or likely to exceed the budget available.

15. Stores and equipment

- 15.1. Any officer in charge of a section shall be responsible for the care and custody of stores and equipment in that section.
- 15.2. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- 15.3. Stocks shall be kept at the minimum levels consistent with operational requirements.
- 15.4. The RFO shall be responsible for periodic checks of stocks and stores, at least annually.

16. Assets, properties and estates

- 16.1. The Clerk shall make arrangements for the safe custody of all title deeds and Land Registry Certificates of properties held by the council. If there are no physical title

deeds or Land Certificates, the Clerk shall keep a record of the title numbers of properties and arrange for the Land Registry to notify the Council of any dealings with any such property.

- 16.2. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date, with a record of all properties held by the council, their location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held, in accordance with Accounts and Audit Regulations.
- 16.3. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.
- 16.4. No interest in land shall be purchased or otherwise acquired, sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a written report shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate where required by law).
- 16.5. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, except where the estimated value of any one item does not exceed £1,000. In such cases a written report shall be provided to council with a full business case.

17. Insurance

- 17.1. The RFO shall keep a record of all insurances effected by the council and the property and risks covered, reviewing these annually before the renewal date in conjunction with the council's review of risk management.
- 17.2. The Clerk shall give prompt notification to the Council's insurance provider of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 17.3. The RFO shall be notified of any loss, liability, damage or event likely to lead to a claim, and shall report these to the council or relevant committee at the next available meeting. The RFO shall negotiate all claims on the council's insurers in consultation with the Clerk.
- 17.4. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the council, or duly delegated committee.

18. Charities

- 18.1. Where the council is sole managing trustee of a charitable body the Clerk and RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity

Commission. The Clerk and RFO shall arrange for any audit or independent examination as may be required by Charity Law or any Governing Document.

19. Suspension and revision of Financial Regulations

- 19.1. The council shall review these Financial Regulations annually and following any change of clerk or RFO. The Clerk shall monitor changes in legislation or proper practices and advise the council of any need to amend these Financial Regulations.
- 19.2. The council may, by resolution duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations, provided that reasons for the suspension are recorded and that an assessment of the risks arising has been presented to all members. Suspension does not disapply any legislation or permit the council to act unlawfully.
- 19.3. The council may temporarily amend these Financial Regulations by a duly notified resolution, to cope with periods of absence, local government reorganisation, national restrictions or other exceptional circumstances.
- 19.4. A motion to permanently add to or vary or revoke one or more of the Council's financial regulations, except one that incorporates mandatory statutory or legal requirements, is subject to Standing Order 27b

Appendix 1 - Tender process

- 1) Any invitation to tender shall state the general nature, including length, of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases.
- 2) The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post, unless an electronic tendering process has been agreed by the council.
- 3) Where a postal process is used, each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
- 4) Where an electronic tendering process is used, the council shall use a specific email address that will be monitored to ensure that nobody accesses any tender before the expiry of the deadline for submission.
- 5) Any invitation to tender issued under this regulation shall be subject to Standing Order 18 and shall refer to the terms of the Bribery Act 2010.
- 6) Where the council, or duly delegated committee, does not accept any tender, quotation or estimate, the work, goods or services is not allocated and the council requires further pricing, no person shall be permitted to submit a later tender, estimate or quotation who was present when the original decision-making process was being undertaken. The Council or duly delegated committee shall decide how to proceed with the abortive procurement.

Document History		
Status	Date	Version
Draft to Council.	17/9/2025	V1.0
Reconsidered by R&S and remitted back to Council	26/9/25	V1.1
Back to Council for approval	11/2/26	V1.1



NEWBY & SCALBY TOWN COUNCIL

SCHEME OF DELEGATION

(agenda item 9.1 and associated report refers).

[See last page for amendment history]

This Scheme of Delegation forms part of Standing Orders, section 16 and shows responsibilities delegated to the Town Clerk & Deputy Clerk/RFO

1. Proper Officer

The Town Clerk is designated and authorised to act as Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer.

2. Responsible Financial Officer

The Deputy Clerk is designated and authorised to act as the Responsible Financial Officer for the purposes of s151 of the Local Government Act 1972 and any statute requiring the designation of a Responsible Financial Officer.

3. General Matters

The Town Clerk is authorised to:

- a) sign and serve on Councillors electronically or by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council or a meeting of a committee or sub-committee at least 3 clear days before the meeting;
- b) give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them);
- c) sign on behalf of the Council any document necessary to give effect to any decision of the Council;
- d) take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council;
- e) institute and appear in any legal proceedings authorised by the Council;
- f) appear at or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the residents of Newby and Scalby);
- g) alter the date or time of a standing committee meeting but, before doing so, shall consult the chairman and vice-chairman of the committee concerned about convenient alternative dates and times;
- h) decide arrangements for the closure of the Council offices, subject to consultation with the Chairman of the Council.
- i) negotiate and enter into contractual arrangements with persons and organisations in relation to hire of the community hub,
- j) manage all Council services, and make operational decisions regarding these services;
- k) act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.

4. Financial Matters

The Town Clerk and Deputy Clerk/RFO are authorised to:

- a) incur expenditure up to a maximum of £999-99 (excluding VAT) on any item provided that any action taken complies with any legislative provisions and the requirements of the Council's Financial Regulations and Standing Orders in relation to Contracts.
- b) In consultation with the Chairman of the Council or Finance & General Purposes Committee, incur expenditure for any item £1,000 and above but below £5,000 excluding VAT, provided that any action taken complies with any legislative provisions and the requirements of the Council's Financial Regulations and Standing Orders in relation to Contracts.
- c) accept quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to:
 - The cost not exceeding the amount of the approved estimate;
 - The tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation; and,
 - All the requirements of the Council's Financial Regulations being complied with.
- d) compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.
- e) invest monies held by the Council in accordance with the Council's Investment Strategy and Policy.

5. Staffing Matters

The Town Clerk is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures, and budget, as set out within their employment contract.

Including:

- a) appointment to posts as per the Standing Orders;
- b) the employment of temporary employees;
- c) control of staff performance and discipline, in line with the Council's policy and procedures, including the power of suspension and dismissal;
- d) payment of expenses and allowances in accordance with the Council's scheme;
- e) approval of increments, in line with negotiated payments/contracts;
- f) supervision and line management all other employees of the Council as head of the paid service, or to delegate management responsibility to appropriate managers [NOTE management responsibility cannot by law be delegated to councillors];
- g) scheduling of staff training;
- h) arrangement and authorization of reasonable overtime as required; and,
- i) arrangement and authorization of annual leave entitlement and other absence as appropriate.

6. Property Matters

The Town Clerk is authorised to:

- a) manage all land and property of the Council
- b) agree the terms of any hire, lease, license, conveyance or transfer of all Council owned properties and land;
- c) agree the granting or refusal of the Council's consent under the terms of all leases;
- d) agree all variations of all restrictive covenants;
- e) agree the granting of easements, wayleaves and licenses over Council land; and,
- f) Initiate all legal action or proceedings against unauthorized encampments on Council land.

7. Urgency

- a) The Town Clerk is authorised to act on behalf of the Council in cases of urgency or emergency.
- b) The Chair for the relevant committee should be consulted wherever possible, before such action is taken.
- c) Any such action is to be reported to the next meeting of the Council or relevant committee or subcommittee for information

8. Delegation

The Town Clerk is authorised to delegate any of the powers outlined within this scheme of delegation to other officers of the Council as required in accordance with the Local Government Act 1972, Section 101 (1). Overall responsibility and accountability for the use of these delegated powers remains with the Town Clerk.

In the absence of the Town Clerk, the Deputy Town Clerk is 1] authorised to carry out any of the matters outlined within this scheme of delegation and 2] has the function, powers and duties of the Proper Officer.

Document History		
Status	Date	Version
Draft to R&S.	26/9/2025	V1.0
Amendments from R&S inserted	27/9/25	V1.1
To Council for approval	11/2/26	V1.1

NEWBY & SCALBY TOWN COUNCIL - SCHEDULE OF ACCOUNTS TO BE PAID year 2025 to 2026

Council meeting of 11/2/26

SCHEDULE 10

REF NO.	Invoice Date	CREDITOR	REASON	GROSS £	VAT £	NET £	VAT Code	TRANS. TYPE	VAT No.
10/1	1.1.26	Brunton	Jan waste collections	£28.10	£4.68	£23.42	T1	DD**	167153754
10/2	1.1.26	Grenke	Copier lease (quarterly)	£406.80	£67.80	£339.00	T1	DD**	803892226
10/3	1.1.26	Fidelity	Phone/broadband	£75.55	£12.59	£62.96	T1	DD**	970685289
10/4	2.1.26	G Armstrong	Locum clerk	£37.93	£0.00	£37.93	T10	auto	
10/5	2.1.26	Lloyds'	Multipay	£45.00	£7.00	£38.00	T1	DD**	various
10/6	2.1.26	Business Stream	Water 445b	£85.20	£0.00	£85.20	T0	DD**	
10/7	10.1.26	British Gas	Electric 11/12/25-10/1/26	£96.50	£4.60	£91.90	T5	DD**	684966762
10/8	10.1.26	British Gas	Gas 11/12/25-10/1/26	£240.22	£11.44	£228.78	T5	DD**	684966762
10/9	31.1.26	Cash	Petty cash to imprest	£74.61	£3.26	£71.35	T1	ch300128	various
10/10	31.1.26	Skipton BS	Allotment deposits	£80.00	£0.00	£80.00	T9	auto	
10/11	1.2.26	Duchy	Allotment rent (29/9/25-24/11/25)	£190.21	£31.70	£158.51	T1	auto	GD323
					£0.00	£0.00			
					£0.00	£0.00			
					£0.00	£0.00			
					£0.00	£0.00			
					£0.00	£0.00			
** Already drawn				£925.22	£70.59	£854.63			

RESOLVED THAT PAYMENT OF THE ABOVE BE AUTHORISED:

11/02/2026

Jackie Smith, Council Chairman

T0	0%	Zero rated goods
T1	20%	Standard rated goods
T2	0%	Exempt goods
T5	5%	Reduced Rate
T9	---	Outside scope of VAT
T10	---	Supplier Not registered for VAT (or no VAT receipt)