

Committee: Cabinet

Agenda Item

Date: 12 September 2013

18

Title: Pig Market Trust

Portfolio Holder: Cllr R Chambers and Cllr S Barker

Key decision: No

Summary

1. This report has been prepared to update Cabinet on the history of the Pig Market Trust, the on-going work of the Trust and its financial situation during 2012/13.
2. The report also covers the expected work program in this and future years.

Recommendations

3. That the report be noted.

Financial Implications

4. The day to day running costs of the Pig Market Trust are paid for out of receipts generated from the allocation of income from Fairycroft car park.

Background Papers

5. Pig Market Trust Charity Commission Scheme dated 29 August 1980

Impact

- 6.

Communication/Consultation	Not affected.
Community Safety	Not affected
Equalities	Not affected
Finance	All finance is covered by the income receipt from Fairycroft car park. <i>As above.</i>
Health and Safety	Not affected.
Human Rights/Legal Implications	Not affected.
Sustainability	Not affected.
Ward-specific impacts	All District.
Workforce/Workplace	Existing staff resources.

Situation

7. The Pig Market Trust was created by way of a deed dated 17 September 1831 and updated on 29 August 1980.
8. The District Council is the Trustee of the Charity and this responsibility lies with the Cabinet as an executive function. The Cabinet will separate its decision making on behalf of the Council as a local authority from its decision making on behalf of the Council as a Charity Trustee.
9. The land owned by the Trust is identified in the map at Appendix 1. This lies within Saffron Walden and forms part of the land on which the Fairycroft car park sits.
10. The Trust shall use the land 'as a car park for the benefit of the inhabitants of Saffron Walden and the public in general' and can 'make such changes of use of the said car park as it from time to time thinks fit'.
11. The District Council owns land adjoining the Trust and this together with land in the control of Waitrose forms the Fairycroft car park which serves the Waitrose store and town centre. The majority of the car park is owned by the Trust/Council and is managed on behalf of the Trust/Council by the North Essex Parking Partnership (NEPP).
12. The Council sets the parking charges for the car park and all income for the car park is paid to the Council. The Council pays the NEPP a management fee for its work on behalf of the Council. A proportion of this income is then allocated to the Charity based on its share of the car park which can then be applied towards the charitable purposes set out in the Charity Scheme.
13. For the year 2012/13 the income for the Trust was some £45,893. This money was then paid to the District Council to be used for the 'benefit of the inhabitants of Saffron Walden and the public in general'. This money is nominally used to provide a grant to the Citizens Advice Bureaux. Last year a grant of some £91,190 was paid.

Future work

14. The Cabinet will be aware that permission was granted by this Council for the redevelopment of the car park together with an extension of the Waitrose store under planning reference UTT/2012/10/FUL.
15. As part of the building works the car park will be altered/replaced and the store extended. This work will be carried out on Trust/Council land as well as land in the control of Waitrose.
16. To ensure the Trust/Council has suitable professional advice Chase and Partners have been retained following a tender process to advise the Trust/Council. The cost of this work and future legal work required will be covered by Waitrose.
17. A further report will be prepared for Cabinet in due course to consider the outcome of the negotiations with Waitrose.

18. If as part of the arrangements with Waitrose it is necessary to transfer, swap or lease some of the land, then Charity Commission consent will have to be sought, in accordance with the rules set out in the Charity's governing document.

Conclusion

19. The report updates Cabinet on the work of the Pig Market Trust as well as the future issues which will need to be considered over the coming months.

Risk Analysis

20.

Risk	Likelihood	Impact	Mitigating actions
The Trust responsibilities are not adhered to.	1 There is very little risk that the terms of the Trust are not adhered to. The trust is administered in accordance with the trust deed, charity law and the requirements of the Charity Commission	3 If the Council as Trustee fails to adhere to the Trust requirements It would be liable for breach of trust to the extent of any money expended from the trust fund on improper purposes. Reputational damage would also be suffered if the Council were found to be in breach of trust.	The purpose of the report is to highlight the legal responsibilities of the Council as Trustee. The legal requirements of the Trust are well known to officers and our advisors to ensure that all discussions and eventual recommendation are in line with the Trusts objectives.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.