

Appointment of Independent Trustees

1. The Crown Street Library was transferred to the 'Corporation of Darlington' on 23rd October 1885 after construction using funds from the estate of Edward Pease. The building including the two extensions completed in 1900 and 1930, is recognised by the Council to be held on Trust by the Council for the purpose of being used as a public library.
2. The Council is currently the sole trustee, with the role of the sole trustee being discharged by Cabinet (the Council's Executive body).
3. As both the separate legal responsibility for the service and the building sit with the same decision makers (Cabinet) there is the potential for conflict between these two roles, as was recognised in 2017. The appointment of additional independent trustees, who would then be able make decisions should Cabinet be in a position of potential conflict, would avoid this in future.
4. The appointment of independent trustees will also help in giving more formal recognition to the role of the wider community, given the original aims of the bequest of Edward Pease.
5. There is no trust instrument, but the appointments will be made using the legal powers to appoint trustees, from Section 36 of the Trustee Act 1925, which enables a further three trustees to be appointed.
6. The appointment process will involve the completion of an application form, a shortlisting and a private interview by three members of Cabinet and then the confirmation of the appointment by Cabinet (at a meeting held in public).
7. There are a number of points to clarify about the role of Trustee of the Crown Street building:
 - (a) The role is about the trust over the building (which sets out the purpose for which the building can be used i.e. as a public library). It is not about the provision of the library service which is the sole responsibility of the Council (the provision of a library service is a statutory duty for the Council to discharge - under the Museums and Libraries Act 1964).

- (b) The legal estate of the Crown Street building will continue to be registered in the sole name of the Council (at the Land Registry). The role is a custodian one as the legal interest will be subject to the terms of the trust with the building held 'for the purposes of a public library for the Borough of Darlington'.
- (c) What will change is that instead of the Council being the sole trustee, the recruitment of additional trustees will mean that there will be other trustees who can play a role in decision making should the need arise.
- (d) The remit of the Board of Trustees will be limited to matters concerning the trust property. As long as the library continues to be maintained (which the Council has taken responsibility for) and used as a public library the trustees will not need to meet.
- (e) The circumstances when the Board of Trustees would need to meet would include; where there was a possible change of the trust purpose (ie as public library), a possible disposal of the building, or disrepair of the building that could jeopardise it continuing to remain open.
- (f) The Board of Trustees would be comprised of the Council as a Trustee and the Independent Trustees. The Council as Trustee will have a single vote and the Independent Trustees will each have a single vote. Decisions of the Board of Trustees will be made by simple majority voting.