

**CABINET
CABINET ACTING AS SOLE TRUSTEE OF CROWN STREET LIBRARY
8 OCTOBER 2019**

CROWN STREET LIBRARY TRUSTEES

Responsible Cabinet Members – All Cabinet

**Responsible Director - Ian Williams
Director of Economic Growth and Neighbourhood Services**

SUMMARY REPORT

Purpose of the Report

1. To make arrangements for the appointment of additional trustees of the Crown Street building, independent of the Council.

Summary

2. Members requested to consider and approve both the concept of the appointment of a number of independent trustees of the Crown Street building and also the process to be followed. Further details are set out in the main body of the report.
3. Members are also updated on plans to develop a Library Service Consultative Group, made up of service users and others who are interested in the Library Service.

Recommendation

4. It is recommended that Members:-
 - (a) Agree to the appointment of up to 3 independent trustees.
 - (b) Delegate responsibility for the recruitment process of independent trustees, as follows:
 - (i) To the Assistant Director Law and Governance, to arrange the advertising, interview arrangements and deal with the legal formalities of appointment.
 - (ii) To a Cabinet Sub Committee comprised of three Portfolio holders of Leisure and Local Environment, Children and Young People and Housing Health and Partnerships (or substitute Cabinet Members) to interview and determine who to appoint.
 - (c) To confirm the appointment of the independent trustees will be made at the next Cabinet meeting following conclusion of the recruitment process.

- (d) To note the intention to set up a Library Service Consultative group

Reasons

5. The recommendations are supported by the following reasons :-
- (a) To give more formal recognition to the role of the wider community, by moving from the Council as the Sole Trustee of the Crown Street building to appoint in addition a number of independent trustees.
 - (b) To avoid potential future conflicts of interest between the Council's service provider role and the building trustee role, by having independent Trustees who will be able to discharge the trustee role.
 - (c) To widen participation about issues concerning library provision in Darlington (re the establishment of a Library Service Consultative group).

Ian Williams
Director of Economic Growth and Neighbourhood Services

Background Papers

Sole Trustee of the Crown Street Library (Members of Cabinet) 19.06.17 – Trustee Role

Luke Swinhoe : Extension 5490

S17 Crime and Disorder	There are no implications.
Health and Well Being	There are no implications.
Carbon Impact	There are no implications
Diversity	There are no direct implications
Wards Affected	There is no direct impact on any individual Ward
Groups Affected	There are no Groups affected.
Budget and Policy Framework	This report does not represent a change to the budget and policy framework.
Key Decision	This is not a key decision
Urgent Decision	This is not an urgent decision
One Darlington: Perfectly Placed	There are no links.
Efficiency	This report does not identify any efficiency implications.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Appointment of additional trustees, independent of the Council

6. 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.
7. The Council is currently the sole trustee. As the Council operates a Leader and Executive model of decision making, the role of the sole trustee sits with the Council's Executive body - Cabinet.
8. As both the separate legal responsibility for the service and the building sit with the same decision makers there is the potential for conflict between these two roles, as was recognised in 2017. One of the ways of dealing with this in future would be to appoint additional independent trustees who would then be able make decisions should Cabinet be in a position of potential conflict.
9. The appointment of independent trustees would also be something that could help in giving more formal recognition to the role of the wider community, given the original aims of the bequest of Edward Pease.
10. As there is no trust instrument, we can use the legal powers to appoint trustees that come from Section 36 of the Trustee Act 1925, which enables a further three trustees to be appointed.
11. Subject to approval of Cabinet the suggested approach to appoint additional trustees would be as follows:
 - (a) The Assistant Director Law and Governance be delegated to arrange the advertising and, interview arrangements and deal with the legal formalities of appointment.
 - (b) A Cabinet Sub Committee be formed, comprised of the Portfolio holders of Leisure and Local Environment, Children and Young People and Housing Health and Partnerships (or substitute Cabinet Members) to interview and determine who to appoint to the role of Trustee.
 - (c) The recommended appointments to be confirmed at the next Cabinet meeting following conclusion of the recruitment process.
12. 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.

Establishment of a Library Service Consultative Group

13. Plans are being made to develop a Library Service Consultative Group. This will enable opportunities for service users and others who are interested in the Library Service to meet key staff and the Portfolio holder and to discuss matters relating to the Library Service. This will be the main forum for concerns and issues about the Library service to be raised.