

COUNCIL
8th October 2020

Report of the Monitoring Officer

REPORT OF INVESTIGATION INTO GREEN MAN INCIDENT

PURPOSE OF REPORT

To investigate and establish the sequence of events, member capacity and the decision making process that lead to the removal of the Head situated on the Grade II* listed gallows sign over St John Street, Ashbourne advertising the Green Man and Black's Head Royal Hotel and storage in Derbyshire County Council archives.

RECOMMENDATION

1. That the report be noted.
2. That the conclusions and recommendations of the Independent Person be accepted and adopted.
3. That the thanks of the Council be conveyed to the Independent Person for his assistance in compiling this report.
4. That the Director of Corporate and Customer Services submit a report to the Council meeting on 26 November 2020 detailing proposals to introduce general delegations to officers.

WARDS AFFECTED

Ashbourne North and Ashbourne South

STRATEGIC LINK

Confidence of the public in the actions of Officers and Members are vital in insuring the Council is delivering an efficient service to the local electorate and thus contributing to the delivery of the Council corporate aims as a whole.

1. BACKGROUND

- 1.1 On 5 June 2020 a petition was posted on the change.org website calling for the Black Head situated upon the gallows sign in Ashbourne to be removed
- 1.2 At approximately 21.43 hours on 8 June 2020 the Black Head was removed and taken away by Cllr Lees acting on permission given by the Council.

- 1.3 The Head was then retained by Cllr Lees before being placed in Derbyshire County Council archives for storage on 11th June 2020
- 1.4 On 11 June 2020 the Council's Emergency Committee requested an independent review of the incident to be undertaken.
- 1.5 The agreed remit of the independent review was to:-
 - a) Establish a factual timeline of events which resulted in the removal of the Blacks Head, Ashbourne and its safe return to the custody of the District Council;
 - b) Clarify the capacity of individuals involved and the source/authority of any permission granted.

2 REPORT

- 2.1 The details of the investigation and the findings of the Independent Person are hereby attached at Appendix A to this report.

3 RISK ASSESSMENT

Legal

- 3.1 The Council commits in the Constitution to provide accountable, transparent, effective and efficient decision making and community leadership which involves local people, organisations, and its partners.
- 3.2 Failure of the Council to take decision in a robust and accountable manner can leave the Council open to critical Local Government Ombudsmen reports and legal challenges
- 3.3 The Council is also responsible for investigating complaints against members for breaches of the Council's Code of Conduct for members

Financial

- 3.4 . Costs can be contained within existing budgets for Corporate Services. The financial risk is, therefore, assessed as low.

Failure to address the shortcomings in the Constitution could leave the Council open to legal challenge, which would be a high financial risk.

4 OTHER CONSIDERATIONS

- 4.1 In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

- 5.1 James McLaughlin, Director of Corporate and Customer Services & Monitoring Officer, 01629 761281 or james.mclaughlin@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

- 6.1 The Council' Constitution 2019
- 6.2 Code of Conduct for Members

7 ATTACHMENTS

- 7.1 Appendix A – Report on the Investigation of the Green Man Incident