

Council

26 November 2020

Report of Director of Regulatory Services

## **REVIEW OF COUNCIL ASSETS**

### **PURPOSE OF REPORT**

To inform Members of the methodology and outcome of the independent review of assets commissioned in the first instance, following the motion debated at Council on 2 July 2020. To seek the views of Members in relation to this review and to determine what further action, if any, should now be taken. To determine the next steps to be taken in relation to the Black's Head figure and the sign on which it was previously sited.

### **RECOMMENDATION**

1. That Council determines what, if any, further action should be taken to review the District Council's assets
2. That Council recommends the next steps to be taken in relation to the Green Man and Black's Head Royal Hotel sign, including the Black's Head figure, bearing in mind the implications of listed building consent
3. That authority is delegated to the Director of Regulatory Services and the Director of Corporate and Customer Services to undertake the actions recommended by Council in respect of recommendations 1 and 2.

### **WARDS AFFECTED**

All

### **STRATEGIC LINK**

The effective management of the Council's assets supports the Place theme within the Corporate Plan.

### **1 BACKGROUND**

- 1.1 Council is aware of the incident on 8 June 2020, whereby the Black's Head situated upon the Grade II\* listed gallows sign over St John Street, Ashbourne advertising the Green Man and Black's Head Royal Hotel was removed. The circumstances relating to the removal of the Head were debated in Council on 8 October 2020.
- 1.2 At its meeting on 2 July 2020 Council considered a motion to review a list of assets held by the Council and resolved that, "Given what we have seen in other boroughs,

districts and local government authorities around the UK in recent weeks, we have a duty to address the legacy of colonialism, slavery and racism in all its forms. We acknowledge the public outcry of hurt, pain and anger over these legacies and that we undertake in the first instance a review of all our assets and a report be brought back to full Council on completion of the review.”

- 1.3 This initial review has now been undertaken and this report summarises its findings in Section 2 below.
- 1.4 Section 3 of the report goes on to consider issues relating to the future of the Head and the sign of which it is mounted. It is recognised that this is a very sensitive issue and one that very clearly needs to be considered in public through debate in Council.

## **2 THE DISTRICT COUNCIL’S ASSET LIST**

- 2.1 Following the resolution on 2 July 2020 work commenced to ensure that a full list of the Council’s assets could be produced for the purpose of this review. The asset list is reproduced as Appendix 1 to this report and contains 359 entries. Advice was sought from the Council’s Equalities Officer as to who might be considered suitable to undertake this initial review. It was recommended that representatives of the African Caribbean Community Association (Chesterfield and District) (ACCA) and Derbyshire Dales Council for Voluntary Services (DDCVS) would be appropriate organisations to undertake this task in terms of background, representation and expertise, and both organisations confirmed that they would be prepared to do so.
- 2.2 Both of these organisations were contacted on 17 August 2020 and were supplied with the list of assets in spreadsheet form. It was explained that the list had been drawn from the Council’s Assets Register and various insurance lists and that the descriptions in these records may not contain every detail needed to make a full assessment.
- 2.3 Replies were received from both organisations. ACCA’s reply read as follows:  
*“Thanks for the list. After a review I have not seen anything on the list that would raise any concerns. Thanks for the information please do not hesitate to contact us if you require our services in the future”.*

DDCVS’s reply read as follows: *“This is perhaps one of the more unusual tasks I’ve been given to during my time at the CVS, and I’ve done my best to carry it out with appropriate diligence given the seriousness of the issues concerned. I have read through the attached list with some care and I would make the following comments. Taking the list of assets as read, I cannot see a direct or overt link between any of these assets, and a ‘legacy of colonialism, slavery and racism’; nor am I aware of any such links based on my knowledge of some of these assets mentioned. One would think that one would have to do a lot of research into the history of such assets to prove such a link, and one would think that such a project is not the best use of the limited resources of a Local Authority in the current climate. Even if one was able to establish such a link, it’s not clear how DDDC would then respond to this. I suppose the truth is that any building that was constructed in the Georgian and early Victorian periods could have been funded directly or indirectly from the proceeds or slavery and /or colonialism. Indeed, given that the British Empire was at its absolute height and power just before WW2, any building constructed up to that point could be seen as being funded by colonialism to some degree or other. However unless that*

*association is very overt in some way, it is hard to see how this could be deemed to be generally offensive, or a matter of public concern. What I think is a very real and pertinent cause for concern in the UK today is the continuing evil of modern slavery and people trafficking, and I would be pleased to see local authorities putting resources into addressing this, and highlighting it as an issue”.*

- 2.4 In receiving these replies it is worth noting the comment from DDCVS about taking the list of assets as read. The list of assets supplied to our consultants was as extracted from the various databases in which they were stored. No attempt was made to add or subtract from their descriptions, although the attention of the consultees was drawn to the description of the gallows sign, in order to note that it contained no reference to the name of the public house which it was advertising, nor to the Black's Head mounted on it. It was noted that the Council resolution had specified a review of assets in the first instance and therefore this is what was undertaken. Members may now wish to consider whether and how any further examination, such as site inspections, should be carried out.

### **3 THE GREEN MAN AND BLACK'S HEAD ROYAL HOTEL GALLOWS SIGN**

- 3.1 Further decisions also need to be made in relation to the Black's Head and the gallows sign on which it was sited. At the present time the Head is in storage at the Derbyshire Records Office, but it must be remembered that it forms part of a Grade II\* listed structure and that any works undertaken to it, including its continued removal, would require listed building consent. The Head has been viewed by the District Council's Director of Regulatory Services, Development Manager and Conservation and Design Officer, in order to ascertain its current condition, but no work has been undertaken to it. It is clear that some of the wood and paintwork is in poor condition and that from a physical point of view, some form of conservation work is required. It is the view of officers that different degrees of conservation might be appropriate, depending on the intended siting of the Head: a very limited degree might be appropriate if the Head was to be sited in a museum or similar, whereas a more comprehensive level of conservation would be required if the Head was to be remounted on the gallows sign. Therefore, before any such work is undertaken it would be necessary to determine the future of the Head.
- 3.2 In relation to the future of the Head and the gallows sign, Members should be aware that Ashbourne Town Council debated the matter on 21 July 2020. Following their meeting the District Council received a proposal from the Town Council that they should take on the ownership of both the Head and the sign. This proposal set out the view that any decision on the future of these items should be taken by the people of the Town.
- 3.3 Therefore a number of options are open to the District Council in relation to the Head and the associated sign. Does the District Council wish to retain ownership? Does it wish to transfer ownership to Ashbourne Town Council? Does it wish to make a decision in relation to the future siting of the Head? What does it think should happen in relation to the gallows sign?
- 3.4 Considering these issues in a logical order Members might consider that the first question to be answered is whether they would like to agree to the offer from Ashbourne Town Council to transfer the ownership of the Black's Head and gallows sign to them. If the answer to this question is yes, Members might like to consider whether any conditions should be applied to that transfer.

- 3.5 If Members do not wish to transfer the ownership of the Head and sign to Ashbourne Town Council then a further set of options presents itself. These options may include undertaking a public consultation on the future of the Head and sign. If this is what Members would like to happen it would be necessary to agree what options such a consultation might offer, such as: undertaking restoration of the Head with retention at the County archive; undertaking restoration of the Head with a return to Ashbourne for display; undertaking restoration of the Head for reinstatement on the sign; commissioning research into the history and 'meaning' of the Head.
- 3.6 Members will also need to consider their position in relation to the sign itself and the wording; 'Green Man & Black's Head Royal Hotel'. It may be that Members decide that this too should be subject to public consultation. If so, options for that consultation will need to be determined and may include: no change to the sign, amending the wording on the sign; suggesting a completely different look to the sign.
- 3.7 Taking all these points into consideration, options that Members might like to consider could include:
- Option A – the District Council accepts the request from Ashbourne Town Council and transfers the freehold interest of the Black's Head and gallows sign to the Town Council, for them to determine its future;
  - Option B – the District Council undertakes a public consultation on the future of the Black's Head and gallows sign;
  - Option C – the Black's Head be retained in the ownership of the District Council, be subject to appropriate conservation and stored in the County Archives;
  - Option D – the Black's Head be retained in the ownership of the District Council, be subject to appropriate conservation and forwarded to Ashbourne Town Council for storage
  - Option E – any alternative option that Council considers appropriate.
- 3.8 In considering all these options, Members are again reminded that the sign and Head are listed structures and any changes will require listed building consent.

## **4 SUMMARY**

- 4.1 It is recognised that the issues discussed in this report are largely political in nature and therefore the officer recommendations have been left open, so that future action may be seen to be determined by debate in Council. However, actions to be taken following Council's considerations will need to be taken by officers and therefore a recommendation has been made that actions determined by this meeting are delegated to the Director of Regulatory Services and the Director of Corporate and Customer Services, recognising that implementing those actions is likely to involve joint working by the Estates and Facilities Team and the Legal Service Team.

## **5 RISK ASSESSMENT**

### **5.1 Legal**

The legal risk of undertaking further asset review is low. The decision on proposals contained in 3.7 of this report is medium. Any decision of members as to options contained in 3.7 will be subject to listed building consent.

## 5.2 Financial

At the current time, Derbyshire County Council has stored the head without charge (though this could change in future). Any conservation work that might need to be undertaken would attract a cost, as could offering out a commission to research the history of the artefact). None of these has been formally costed at this time but it is expected that they would not be significant and could be met from existing budgets. The financial risk is therefore assessed as low.

## 6 OTHER CONSIDERATIONS

- 6.1 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.

## 7 CONTACT INFORMATION

- 7.1 Tim Braund, Director of Regulatory Services, Tel: 01629 761118, Email: [tim.braund@derbyshiredales.gov.uk](mailto:tim.braund@derbyshiredales.gov.uk)

## 8 BACKGROUND PAPER

## 9 ATTACHMENTS

Appendix 1: Asset List