

Council

25 November 2021

Report of Director of Regulatory Services

BLACK'S HEAD, ASHBOURNE

PURPOSE OF REPORT

To inform Members of the results of the consultation undertaken in respect of the future of the Black's Head, following the Council meeting held on 14 December 2020 and to seek a decision on the future of the Black's Head and the gallows sign on which it was previously mounted.

RECOMMENDATION

1. That Council determines the future siting of the Black's Head figure
2. That Council determines the next steps to be taken in relation to the Green Man and Black's Head Royal Hotel sign
3. That authority is delegated to the Director of Regulatory Services and the Director of Corporate and Customer Services to undertake the actions determined by Council in respect of recommendations 1 and 2.

WARDS AFFECTED

Ashbourne North, Ashbourne South, all Wards that previously formed part of the Ashbourne Rural District Council.

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 was undertaken and reported to Council on 14 December 2020. That meeting determined that subject to listed building consent being received, the Black’s Head figure not be returned to its original location above St John’s Street, Ashbourne; that officers be authorised to undertake consultation with Ashbourne Town Council and neighbouring parish councils, as well as Ashbourne heritage Society in order to determine, subject to listed building consent, an acceptable mechanism for the return, future custodianship, management and any public presentation of the Black’s Head figure and gallows; that authority be 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 the above resolutions.
- 1.4 The consultation outlined in paragraph 1.3 has been undertaken and this report summarises the comments received.
- 1.5 This report was originally listed on the agenda for the Council meeting on 8 July 2021 but was not considered at that time.

2 CONSULTATION

- 2.1 Following the resolution emails were sent to Ashbourne Town Council, Ashbourne Heritage Society and all parish councils that had previously formed part of Ashbourne Rural District Council, as these were considered to be a good approximation of the word ‘neighbouring’ in the resolution. All were given until 5 March 2021 to respond. In total 7 responses were replies were received in response to this consultation and they are reproduced in the table below. Comments are presented in the order they were received and whilst any personal details have been removed the text itself has not been amended:

Responder	Response
Private Individual	<p><i>I feel very strongly that, as a result of our over sensitive politically correct society the whole issue of The Black's Head has gone out of all proportion. It is a local issue and should be decided upon using only the comments/thoughts/sensitivities of local people. To use the figure of 80,000 in favour of removal is ridiculous- this figure relates to the opinion of people nationwide, with no awareness of the reality. What is that reality? Uncertain; probably (yes, a personal opinion) a recognition of an individual who made a significant impact. Such a monument would not come cheap, so it is more likely it was a compliment. I feel that it should go back where it came from; the vociferous minority in Ashbourne would not allow that, and we, the majority, seem to always bend over backwards to accommodate them. The next best thing is public display- and I mean public display, not locked away somewhere which is local.</i></p> <p><i>Time moves on. If we were all as unbalanced as this minority are as regards live and let live, we Brits should be falling out with Danes, Saxons, Vikings, Normandy French, Romans/Italians</i></p>

	<p><i>...they have all subjected us to murder rape and pillage . As I say, time moves on. We don't remove the unpleasant issues from the history books, from our sight, from our memories over the course of time, but leave them there as a reminder, discuss the issues, learn from them and move on into a more tolerant and understanding society.</i></p>
Brassington Parish Council	<p><i>Brassington Parish Council feel that this issue concerns Ashbourne and any decision should therefore be made by the relevant Ashbourne associated authorities.</i></p>
Private Individual	<p><i>I am a resident of Snelston and have used Ashbourne & the Green Man regularly over the years but have never thought of the racist implications of both the name & particularly the "head" part of the signage. This issue has been raised before but several years ago & I recollect it it was largely dismissed in chit chat & letters to the Ashbourne Telegraph, I believe one of the comments raised that the name actually referred to a "Turks Head". I can understand the sensitivity of the issue in the current climate. Maybe the diplomatic solution is to let the heritage society display it with a history of the name, pub etc. Particularly as most people refer to the pub as the "Green Man"</i></p> <p><i>I would point out that this is my personal view & does not represent the views of the village</i></p>
Clifton Parish Council	<p><i>Clifton Parish council would like to fully support Ashbourne Town Council to see an acceptable safe return and custodianship of the Black's Head figure.</i></p> <p><i>We would also like to clarify the legal position of the removal of the Black's Head figure, together with the changes regarding the protection of historical statues.</i></p> <p><i>Our councillors would also appreciate been informed of any future recommendation, Custodianship, management and any public presentation of the Green Man and Black's Head Gallows sign and Black's Head figure.</i></p>
Hognaston Parish Council	<p><i>Hognaston Parish Council discussed the consultation at their meeting on Thursday 4th March. The debate was passionate about the decision on the future of the sign being a local decision. It was commented that it affects the history and heritage of those local people.</i></p> <p><i>The Parish Council feels that the future of the Green Man and Black's Head sign should be self determination by local people.</i></p> <p><i>If you have any queries or need further comment then please let me know.</i></p>
Ashbourne Town Council	<p><i>Ashbourne Town Council Members discussed the email from Tim Braund on an acceptable mechanism for the return, future custodianship, management and any public presentation of the Black's Head figure and gallows in detail.</i></p>

	<p><i>Members resolved to ask DDDC for clarification of the legal position of the removal of the Black's Head and whether the possible changes to the National Planning Policy on the protection of historic statues, plaques, memorials and monuments would impact on their decision. The proposed amendments to the National Planning Policy Framework are to ensure greater clarity for planners and retain and explain, not remove, our heritage.' Historic England have provided advice on how local authorities should make decisions on so-called 'contested heritage.'</i></p> <p><i>Members would like to see a response on this prior to them making any future recommendations on the mechanism for the return, future custodianship, management and any public presentation of the Black's Head figure and gallows.</i></p>
<p>Ashbourne Heritage Society</p>	<p><i>As a heritage society, it is our remit to help preserve and conserve historical buildings and artefacts, especially if they are under threat, and accordingly our comments will be restricted to the carving's historical context and its preservation.</i></p> <p><i>There have been various attempts to identify historical black figures in the town as models for the head, but most are vague, erroneous or undocumented. However, there are numerous other examples of inns called either the Black(amoor)'s Head or the Black Boy all over the country. All of these inns cannot be named after specific local personages, but most must be generic images which simply reflect the experience of society in general at the time.</i></p> <p><i>We cannot 'change' history, and artefacts such as the head are vital traces of our past – for better or worse - and should not be covered up but used as examples to educate future generations. This is best achieved in a secure environment accessible to the public, such as the Visitor Information Centre at Ashbourne Town Hall (where the Town Council might consider displaying the Ashbourne Bushel of 1677 alongside it) or Ashbourne Library, where display boards can provide an explanation of its context.</i></p> <p><i>An information plaque at the coaching entrance to the Green Man could explain the background to the gallows sign, and the Black's Head and the hanging inn sign, both of which were integral to this historic structure. We would strongly recommend that the gallows sign be repaired and repainted, as it now looks very shabby and gives a poor impression to visitors. Such structures are rare, with only six or so in the country, others being well-known tourist attractions in Stonegate in York and Stamford in Lincolnshire.</i></p> <p><i>The Heritage Society would be happy to provide the text for any display boards or information plaques.</i></p>

2.2 Following the closure of this consultation the Group Leaders and the Ashbourne Ward Members were made aware of the comments received. There was a general agreement that the matter should be brought back to Council for a clear view on the actions that should be taken to determine the future of the Black's Head and the gallows sign, such that an application could then be made for listed building consent to implement that decision.

2.3 A number of further comments have been received from members of the public and organisations that did not form part of the original consultation. These are reproduced below for the consideration of Members:

Responder	Response
Private Individual	<p><i>There are many local people who would appreciate being consulted about the long term decision about The Blackamoor's Head. Ashbourne has been central to the lives of many over a significant number of years. The Blackamoor's Head has been part of the daily lives of several generations who still feel a strong connection to our heritage.</i></p> <p><i>I would urge Derbyshire Dales District Council to include both Ashburnians and the local residents of Ashbourne in the decision regarding the long term plans. The old Ashbourne RDC and UDC districts should be given a voice, a voice which DDDC could easily hear given that local elections are being held in May. All it would take is an extra ballot paper in a few parishes</i></p>
Private Individual	<p><i>As a new resident in Ashbourne, (5 months), I have fallen in love with the place, as I knew I would. I am proud to call this place home and want to play my part in looking after it for future generations.</i></p> <p><i>I have followed with interest the conflicting views surrounding the removal of the 'Black's Head' carving from the gallows sign across St. John Street. I know how much this sign has been a part of Ashbourne's identity for so many generations, but the world is changing as it must, and in my view, tradition cannot stand in the way of acknowledging past injustice. We can no longer behave as if not knowing, not being personally responsible, is good enough. We cannot ignore the fact that the past informs our present behaviour. Not to act is to suggest to the casual visitor that the people of Ashbourne are at best are ignorant of the effects of unchallenged racism, or at worst condone and encourage it. A proactive approach is now needed to ensure that we can live in a fairer world where all have equal opportunity to have their story heard.</i></p> <p><i>I would like to suggest that instead of being seen as problem to be solved, this carving becomes an opportunity for Ashbourne to become a leading light in this more proactive approach, especially as it could be linked to its rich and varied eighteenth century heritage. Perhaps the carving could be situated in the Town Hall or the Heritage Centre, where people might see the</i></p>

	<p><i>story of black lives in the UK throughout history, with an honest reflection on the slave trade by those whose personal history was rewritten because of it.</i></p> <p><i>I have also read and followed the campaign to refresh Ashbourne's identity as a tourist destination with new logos and street banners. There is so much here to celebrate: surrounding countryside, green spaces within the town, architecture (including the most beautiful church spire) history, from the medieval layout to stunning Georgian houses, independent shops, and perhaps most importantly, its warm and welcoming people. It is sad though to see the 'gallows sign' across the main street left in a state of decay and disrepair while the argument about its future goes on. I walk under this sign most days and notice that the 'Green Man' element of the sign has been forgotten as the argument rages. Though represented here as an eighteenth century gentleman in a green coat, the 'Green Man' has a much longer history, especially in rural communities. 'Green Man' carvings with their sprouting branches, fruits and leaves were often found in rural churches, permitted despite having their beginnings in time before Christianity itself. This was surely the original meaning of the 'Green Man' part of this sign. What a wonderful opportunity to reconnect with Ashbourne's rural roots by commissioning a new carving of a 'Green Man' Perhaps a new young artist who might find a way to link climate concerns and the need to reconnect with nature for our mental and physical wellbeing - in other words a new carving which embraces the town's past yet looks forward to a more enlightened future.</i></p>
<p>Derbyshire County Council BME Employee Network Group</p>	<p><i>I write on behalf of the BME (Black, Minority, Ethnic) Employee Network Group at Derbyshire county council.</i></p> <p><i>Concerns have been raised regarding the black's head sculpture which we understand was taken down from St John Street, Ashbourne last summer following a petition for it to be removed.</i></p> <p><i>The BME Group, along with wider members of the community, who live and work in the county, deem this sculpture to be racist and that it was also deeply offensive. This is particularly so in the wake of the George Floyd killing and of the protests that followed to put an end to racial discrimination global wide.</i></p> <p><i>Could you please confirm that the black's head sculpture will never be restored to its position on John Street? Its place belongs in a museum, or other such building, so that this country's colonial past will not be forgotten.</i></p>
<p>Ashbourne Town Council</p>	<p><i>At the Ashbourne Town Council Full Council meeting in October Members RESOLVED that correspondence be sent to DDDC asking for an update on the status of "Blacks Head", they have also asked to see copies of any correspondence between DDDC and Secretary of State for costings for repair</i></p>

	<i>and restoration. The Town Council would like to express the desire for the Blacks Head to be returned to Ashbourne and for the Town Council to take the responsibility for the decision on where the Blacks Head will be placed, kept or displayed.</i>
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- 2.4 Having undertaken the consultation required following the Council meeting on 14 December 2020 officers are now of the view that Council should determine a clear positive proposal for the future of the Black's Head and for the gallows sign. Whilst it was clear from the December resolution that Members did not believe that the Head should be reinstated on the gallows sign a decision now needs to be made as to what should actually be done with it. The comments received during the consultation do seem to be agreed that the Head should be physically returned to Ashbourne and the clearest indication as to how this might be done seems to be outlined in the response from Ashbourne Heritage Society and the most recent communication from Ashbourne Town Council.
- 2.5 In making any decision, members are reminded that the Head and the gallows sign are Grade II* listed structures and that any works undertaken to them, including their continued removal, requires listed building consent. Members' attention is drawn to the online advice on this subject, issued by Historic England in December 2020 and available at <https://historicengland.org.uk/advice/planning/planning-system/contested-heritage-listed-building-decisions/> In summary, Historic England's general stance is that contested heritage should be retained and explained in order to provide thoughtful, long lasting and powerful reinterpretation that responds to its contested history and tells the full story. The guidance includes a checklist to be used by local authorities when they are the Planning decision maker, but in this case it should be remembered that the decision maker would be Historic England, acting on behalf of the Secretary of State.
- 2.6 Taking all this information into account, the issues that remain to be resolved are the proposed future siting of the Head and the future of the gallows sign, which currently reads 'Green Man and Black's Head Royal Hotel'.

4 RISK ASSESSMENT

4.1 Legal

The gallows sign and the Head is owned by the Council and therefore the decision on what to do with the sign is for Council to decide. As detailed in the report however the signs are subject to Grade II listed structure status and thus any decision, other than to restore the Head to its original position, is subject to approval by English Heritage. If the decision of English Heritage is to restore the Head to its original position, Council will need to decide whether to accept this decision or appeal. The legal risk is low as long as proper authorisations from English Heritage is obtained.

4.2 Financial

At the current time, Derbyshire County Council has stored the head without charge (though this could change in future).

Depending on the approach determined by Members, costs could be incurred in relation to obtaining listed building consent, re-siting the Black's Head and / or the gallows sign, the provision of information plaque(s) and public presentation. 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. Estimates are being sought for the cost of repairs and a verbal update will be given at the Council meeting, if this is something that Members wish to consider. At the time of writing this report it is expected that such costs would not be significant and could be met from existing budgets. If the cost estimates exceed £10,000 and Members wish to approve repairs, then it will be necessary for Council to approve a supplementary revenue budget to cover the cost. The financial risk is assessed as low.

5 OTHER CONSIDERATIONS

- 5.1 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.

6 CONTACT INFORMATION

- 6.1 Tim Braund, Director of Regulatory Services, Tel: 01629 761118, Email: tim.braund@derbyshiredales.gov.uk

7 BACKGROUND PAPER

2 July 2020	Motion to Council
8 October 2020	Report of Investigation into the Green Man Incident to Council
14 December 2020	Report of Review of Council Assets to Council

8 ATTACHMENTS

Appendix 1 – Draft initial EIA