



**RECORD OF DECISION TAKEN UNDER DELEGATED
AUTHORITY
(Not a Key Decision)**

Date of Decision: 26/06/2020

**Executive Decision or 'Other Decision' to be
published?:** Yes

TITLE: Use of Capital Funding to demolish Pagoda and Planters at Wheatsheaf Walk

DECISION:

- i) That part of the works to improve the public realm at Wheatsheaf Walk in Ormskirk, namely the removal of the pagoda and planters, is brought forward to aid business recovery following the COVID-19 lockdown.

AUTHORITY:

Resolution C of Cabinet on item 106 at the meeting of Cabinet on 9 June 2020:

- C. That delegated authority be given to the Corporate Director of Place & Community, in consultation with the relevant Portfolio Holder, to make a decision in relation to the proposed removal of the pagoda and planters at Wheatsheaf Walk in Ormskirk, taking into account the agreed comments of the Executive Overview & Scrutiny Committee.

REASONS FOR DECISION: As set out below

1.0 BACKGROUND & CURRENT POSITION

- 1.1 Council agreed £30,000 of capital funding for the improvement of the public realm at Wheatsheaf Walk, alongside capital funding for the upgrade of the public realm at the western end of the pedestrianised section of Moor Street. The Council consulted with the public and local businesses on what those public realm improvement projects should include in August 2019.
- 1.2 Officers were in the process of refining proposals for the two projects in light of the public consultation feedback, and aligning them with the aims of the Ormskirk High Street Heritage Action Zone programme, which will enable a wider improvement of the Town Centre environment in keeping with the heritage of the town centre, when the COVID-19 pandemic and subsequent lockdown disrupted work. However, as the Town Centre and wider economy emerge from the lockdown, ensuring these projects are done in an appropriate way and at the right time will be important in assisting the recovery of the town centre and businesses within it.
- 1.3 The proposals set out below were subsequently considered by Cabinet at their meeting on 9 June 2020 and (further to Cabinet's resolution) by the Executive Overview & Scrutiny Committee on 25 June 2020, before the Corporate Director

of Place and Community considered the above decision, in consultation with the Portfolio Holders for Planning and for Economic Regeneration.

- 1.4 The agreed comments of the Executive Overview & Scrutiny Committee were:
 - A. That the consultation feedback on W heatsheaf Walk public realm improvement proposals provided at Appendix 2 to the report be noted.
 - B. That the Committee agree with the content of the report in relation to the potential removal of the pagoda and planters at W heatsheaf Walk, however it be noted that the Portfolio Holder for Planning would consider this item further with Cabinet colleagues at their informal meeting being held on Friday 26 June 2020, taking into account the close result of the vote taken on the 'comment' above (not agreed), prior to a decision being taken by the Director of Place and Community.

2.0 ISSUES AND PROPOSALS TO BE IMPLEMENTED

- 2.1 As the Council seeks to aid the economic recovery of Ormskirk Town Centre and the businesses within, the timing of projects for new or improved physical improvements to the public realm environment will be important, as the Council do not want to be undertaking major works which will cause further disruption to the Town Centre at a time when businesses are starting to re-open and recover or take-up space within the town centre with works when enabling space for easy and safe movement is important at this time. As such, the overall public realm improvements at W heatsheaf Walk and on Moor Street, agreed as part of the capital funding budget in April 2019, will be delayed until such a time as the disruption they cause will have less of an impact.
- 2.2 However, one aspect of the W heatsheaf Walk improvements is considered beneficial at this time with the need to support businesses and create space for movement in the town centre, and it should be brought forward as soon as possible. The pagoda and planters at W heatsheaf Walk dominate the small space off Burscough Street that leads to the businesses within W heatsheaf Walk, and it is considered that removing them will create a much more useful, opened-up space that will help businesses on Burscough Street and W heatsheaf Walk. The pagoda currently blocks views of the businesses on W heatsheaf Walks and it is expected that its removal will potentially improve trade for these units at a time when the businesses are re-opening and will need to attract customers.
- 2.3 Such works can also be carried out quickly and with minimal disruption, and will not involve any changes to the paving surface of W heatsheaf Walk at this time (the works for which can be more disruptive and take longer) other than the installation of new paving where the pillars of the pagoda and the planters currently stand. These improvements would fall within the remit set out within the original capital funding submission that was agreed by Council in April 2019.
- 2.4 In particular, one use of part of the space that would be created by removing the pagoda and planters could be to enable businesses to have outdoor seating and tables to compensate for the fact they will not be able to accommodate as many customers inside their premises at this time. This would have the effect of creating

a small and pleasant pavement café-style environment within the square, just off the main shopping frontage, without creating any impediment to movement on the main thoroughfare of Burscough Street or within Wheatsheaf Walk to the Wheatsheaf car park. It will also improve the visibility of the businesses on Wheatsheaf Walk from Burscough Street.

- 2.5 Given Wheatsheaf Walk is located within a Conservation Area, removal of the pagoda, as a substantial built structure, will require Prior Notification with the Council's Planning service, and this Prior Notification may take up to 28 days to be confirmed. However, this will allow time for contractors to be procured and appointed ready to go on-site as soon as Prior Notification is confirmed. The Prior Notification will be submitted by the Council's Estates Service, as landowner.
- 2.6 A further consideration of the removal of the pagoda is that it could encourage delivery vehicles to park or turn around within the small square within the hours that the Traffic Regulation Order for the town centre allows. This could potentially damage the Wheatsheaf motif on the paving within the square. To prevent this, it is proposed that temporary bollards will be installed where the front two pillars of the pagoda currently stand. This would also provide added protection for the pavement café seating should businesses have the tables and chairs out of an evening.
- 2.7 Finally, it is acknowledged that removal of the pagoda will not be without controversy as the public consultation in August 2019 showed that some local residents would like to see it retained. However, the same consultation also shows that the majority of respondents and local businesses (including Council tenants at Wheatsheaf Walk) support its removal as it is seen as an impediment to business and the use of the space for activities which would encourage visitors to the town centre.

3.0 ALTERNATIVES CONSIDERED

- 3.1 The only alternative to that which is proposed is to retain the pagoda and planters and consider their removal or long-term retention at a later date with the wider public realm improvements at Wheatsheaf Walk. Given the consultation feedback showed that the majority of respondents would agree with the proposal to remove the pagoda and the fact that retaining the pagoda would not help businesses (tenants) at this time in the face of business recovery and restrictions on how many people they can accommodate in their premises, it is not considered necessary to delay these works for consideration within the wider public realm improvements.

4.0 SUSTAINABILITY IMPLICATIONS

- 4.1 The improvement of the public realm generally in Wheatsheaf Walk will have positive implications for sustainability, and this would have been considered as part of the decision process in agreeing capital funding for the schemes, as well as being reflected in the Heritage Action Zone bid to Historic England, which was successful and secured additional funding to improve the heritage character and environment of Ormskirk Town Centre.

- 4.2 Specifically in relation to the removal of the pagoda and planters, while the matter of whether their removal has a positive or negative impact on the character and environment of Burscough Street is subjective (being a matter of perception and opinion on whether an individual considers that the pagoda adds to the environment from an aesthetic or heritage perspective), ultimately the fact that the majority of those responding to the consultation considered it a positive thing to remove the pagoda would suggest, for most, that this will have positive sustainability implications.
- 4.3 Certainly from the economic aspects of sustainability, it would be considered to be beneficial to remove the pagoda and planters, as it will benefit local businesses during this difficult time and create a new space that can be used in ways which will attract more visitors (and encourage more re-visits through the creation of a positive visitor experience).

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 5.1 The costs for the proposed works will be wholly covered by capital funding agreed by Council in April 2019. The removal of the pagoda will help support the businesses in Wheatsheaf Walk, which is a Council owned asset. This will help to secure future income streams to this Council.

6.0 RISK ASSESSMENT

- 6.1 The actions referred to in this report are covered by the scheme of delegation to officers in relation to successful capital funding submissions and any necessary changes have been made in the relevant risk registers. Aside from that, the primary risk associated with this proposal is risk to the perception or image of the Council due to the action being taken, or conversely of no action being taken.
- 6.2 The risk to health (see section 7 below) if space for easy and safe movement cannot be maintained either within the public realm of Ormskirk Town Centre or within business premises as they re-open is a concern, and it is considered that the proposals outlined in this report will aid this. Should the Council not do all it can to support businesses as they re-open, there is therefore a risk of a negative impact on the image of the Council. However, given that some in the Ormskirk community would like to see the pagoda retained due to their view that it adds to the character of the Town Centre, there will also be a risk of a negative impact on the image of the Council for this reason as well.

7.0 HEALTH AND WELLBEING IMPLICATIONS

- 7.1 The health and wellbeing implications of this report focus on the COVID-19 related implications should space for easy and safe movement not be enabled in the town centre generally and as businesses re-open. It is crucial (from a health perspective) that the Council does all it can to enable this, and the proposals in this report will aid that, creating a pleasant area in the open-air for outdoor pavement café-style seating and movement through Wheatsheaf Walk. Also, subject to one's perception of the pagoda, removing it will improve the environment

of Burscough Street and so users' feelings of well-being as they enjoy the Town Centre.

8.0 EQUALITY IMPACT ASSESSMENT

8.1 There is a direct impact on members of the public, employees, elected members and / or stakeholders, therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report

9.0 BACKGROUND DOCUMENTS

9.1 There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Decision taken by:

Name	Title	Signature	Date
Heidi McDougall	Corporate Director of Place & Community		29 June 2020

In consultation with: Portfolio Holder for Economic Regeneration

Name	Title	Signature	Date
Cllr Ian Moran	Portfolio Holder for Economic Regeneration		29 June 2020
Cllr David Evans	Portfolio Holder for Planning		29 June 2020

NOTES

(Executive Decisions) 1. ANY CONFLICT OF INTEREST DECLARED BY THE PORTFOLIO HOLDER (Only required where decisions taken in consultation with): None
(Executive Decisions) 2. IF CONFLICT OF INTEREST EXISTS, DETAILS OF DISPENSATION GRANTED BY THE HEAD OF THE PAID SERVICE: N/A
('Other Decisions')

3. THE NAMES OF ANY COUNCILLOR WHO HAS DECLARED A CONFLICT OF INTEREST IN RELATION TO THE DECISION: None

3. FOR FURTHER INFORMATION PLEASE CONTACT:

Contact Officer: Peter Richards
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Appendices

Appendix 1 – Equality Impact Assessment

Equality Impact Assessment Form	
Directorate: Place and Community	Service: Growth and Development
Completed by: Peter Richards	Date: 04/06/20
Subject Title: Use of Capital Funding to demolish Pagoda and Planters at Wheatsheaf Walk	
1. DESCRIPTION	
Is a policy or strategy being produced or revised:	No
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	Yes
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	Yes
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	No
Details of the matter under consideration:	Use of agreed capital funds to bring forward the removal of the pagoda and planters at Wheatsheaf Walk to aid social distancing and business recovery in the town centre.
<i>If you answered Yes to any of the above go straight to Section 3</i> <i>If you answered No to all the above please complete Section 2</i>	
2. RELEVANCE	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	*delete as appropriate Yes/No*
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>	
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups:	



<p><i>You do not need to complete the rest of this form.</i></p>	
<p>3. EVIDENCE COLLECTION</p>	
<p>Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?</p>	<p>Businesses, members of the public</p>
<p>If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?</p>	<p>N/A – work relates to a physical structure, not a service</p>
<p>Which of the protected characteristics are most relevant to the work being carried out?</p> <p>Age Gender Disability Race and Culture Sexual Orientation Religion or Belief Gender Reassignment Marriage and Civil Partnership Pregnancy and Maternity</p>	<p><i>*delete as appropriate</i></p> <p>Yes No Yes No No No No No No No</p>
<p>4. DATA ANALYSIS</p>	
<p>In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?</p>	<p>The pagoda and planters are part of the public realm at Wheatsheaf Walk and this public realm is used by any members of the public visiting that part of Ormskirk town centre.</p>
<p>What will the impact of the work being carried out be on usage/the stakeholders?</p>	<p>The removal of the pagoda and planters will create an open area that can be utilised in a variety of ways going forward and that will make traversing the space more easy for all, particularly those with mobility issues and those whose sight is impaired.</p> <p>Businesses will also benefit by opening up the space.</p>
<p>What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?</p>	<p>Public consultation in August 2019 identified a mixture of views on the proposals, but the majority saw the removal of the pagoda as a positive proposal. However, a significant number of respondents objected to the idea of removing the pagoda</p>

	and so will not be satisfied should it now be removed.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	Public and business / stakeholder consultation in August 2019. Current views of local businesses in light of COVID-19 social distancing measures.
If any further data/consultation is needed and is to be gathered, please specify:	No
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	Those with mobility issues and impaired eyesight will find traversing the public realm easier with the removal of the pagoda and planters. Those more vulnerable to COVID-19 (e.g. those over 65) will benefit from improved social distancing.
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	There is no negative impact on equality.
What actions do you plan to take to address any other issues above?	No actions.
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	No – relates to one-off action to remove a physical structure.