

Southend-on-Sea Borough Council

**Report of Executive Director
Neighbourhoods and Environment
To**

Cabinet

14 January 2021

Report prepared by:
Sharon Harrington, Head of Service

Highway Memorials Policy

**Relevant Scrutiny Committee(s): Place Scrutiny
Cabinet Member: Councillor Ron Woodley
Part 1 (Public Agenda Item)**

1. Purpose of Report

- 1.1 This report sets out the options and recommended approach to the sensitive management of temporary roadside memorials, and permanent infrastructure on the highway.

2. Recommendations

- 2.1 That Cabinet resolves to adopt the new policy for Highway Memorials as set out in this report.

3. Background

- 3.1 The Council has several statutory powers and duties in respect of maintaining a safe and efficient road network.
- 3.2 Following fatal collisions on the highway, and in some cases a fatal incident elsewhere, there is an increasing trend for those close to a deceased person wishing to install temporary memorials, generally including floral tributes and cards, but often extending to larger items such as football shirts and soft toys.
- 3.3 It is important the Council balances its duties in respect of the road network, but also sensitive to the wishes of those recently bereaved, this report aims to set out how that balance is reached, and how the Council will support the community.
- 3.4 Permanent tributes, such as benches, trees or planted beds, are generally accommodated within parks or gardens maintained by the Council, however, in some circumstances there may be a desire to instead place such items on

the public highway, this report sets out how the Council will work to support these requests where appropriate to do so.

4. Temporary Roadside Memorials

- 4.1 In the immediate aftermath of a fatality, many people find comfort in memorialising their loss, and gathering at a roadside memorial.
- 4.2 A difficult balance to strike in these circumstances is the Council supporting the community during a time of grief and loss, and the transition to a return to normality, something the wider community may seek rather than a long standing reminder of a tragedy.
- 4.3 Often, memorials left in place for some time can become tatty, generally due to weathering, which be considered distasteful or otherwise disrespecting the memory of those lost.
- 4.4 The policy as set out in the appendix to this report sets out how the Council will facilitate temporary roadside memorials, and the timeframe for removal.
- 4.5 As a general principle, the Council will leave a temporary roadside memorial in place for 8 weeks following the date of installation. Where possible, operational teams will work with those affected to keep the area clean and tidy throughout this period.
- 4.6 Where the memorial is in place following a fatal road traffic collision, it is often the case that police will erect signage asking witnesses to come forward. In such cases, if these signs remain in place for longer than 8 weeks, the Council will leave the memorial in place until that signage is no longer required.
- 4.7 This is considered to be the right balance and will likely help to highlight the ongoing need for police, and therefore those directly affected, to seek closure through the successful conclusion of a police investigation.
- 4.8 In circumstances where a temporary roadside memorial requires any form of review due to safety or accessibility concerns, the Council will attempt to make contact with those affected through the designated Police Liaison Officer, to ensure contacts are kept to a minimum, and the issues can be discussed sensitively with a person already familiar to them.
- 4.9 The Council must also take into consideration the views and impacts on neighbouring properties, should concerns be raised, these too will be considered with the Police Liaison Officer with any action or further communication agreed between both parties.
- 4.10 On the anniversary of a death, a new temporary roadside memorial may be installed, though this should be for no longer than 2 weeks.
- 4.11 Once a temporary roadside memorial is removed, and degraded floral tributes will be disposed of, with any cards or other tributes retained by the Council for

up to 2 months, giving the family the opportunity to recover any items they wish to keep.

4.12 The Council is aware that in certain circumstances, it may be asked to act outside of this policy to respond to concerns, specifically where there is some hostility or uncertainty surrounding the circumstances of an incident. In these cases, the Council will work with the Police Liaison Officer on what steps to take.

5. Permanent Tributes

5.1 Permanent tributes will be considered by the Council in parks and gardens, except where those acting on behalf of a deceased person to fulfil their wishes, or where surviving relatives and friends consider a particular place on the public highway to be the most appropriate place for a memorial, for example where the deceased person had a particular favourite place to sit.

5.2 When such requests are received, the Council will consider the following elements, before working with those close to the deceased person to consider the most appropriate tribute and location.

5.3 Any permanent tribute must meet the following standards

- a) For benches or seating, be of a standard, material, type that would meet all national and local design standards as though it was being installed by the Council as a public amenity. It must be of a colour and design that is in keeping with the aesthetics of the area. Any plaque or marking must be of a standard which will withstand weathering, and will not present a hazard, for example sharp edges.
- b) Trees and kept floral tributes will be considered by the relevant Council Officers to ensure the type proposed will not have any adverse impact on the local environment or habitat, and to ensure the surface, groundwater and soil are sufficient to reasonably ensure longevity.
- c) In all cases, the endowment of a permanent tributed will remain in effect for up to ten years, or sooner if the tribute deteriorates to a standard that the Council would remove it in normal circumstances.

5.4 Where possible, the Council will attempt to contact the applicant for a permanent tribute before any works to alter, replace or remove it. However, this will not always be possible given the time which will have passed, and the availability of up to date records.

5.5 In all cases, unless otherwise expressly agreed by the Council, the costs of procuring and installing a temporary roadside memorial, or permanent tributed, will be met by those involved in its creation.

5.6 For all temporary roadside memorials, the Council will accept the cost of removal and disposal of any remaining items. Permanent tributes will be maintained by the Council in line with the Highways Asset Management Plan.

5.7 The Council is aware that in certain circumstances, it may be asked to act outside of this policy to respond to community concerns. Should a concern be raised, the Council will consider whether a permanent tribute remains appropriate. If it is to be removed, the decision and reasons for it will be communicated to the person or group which applied for it, and whether they would like it to be returned to them.

6. Other Options

6.1 The Council could decide on an alternative approach, or to prohibit any temporary roadside memorials or permanent tributes.

7. Reasons for Recommendations

7.1 This policy will ensure the Council is able to sensitively support those affected by the death of a loved one, and ensure their wishes can be facilitated whilst still delivering on statutory duties and powers in respect of the road network.

8. Corporate Implications

8.1 Contribution to the Southend 2050 Road Map.

8.2 Opportunity & Prosperity:

8.2.1 This policy aims to set out how the Council will support the community through difficult periods, and balance that need with the statutory powers and duties in respect of maintaining a safe and efficient road network.

8.3 Safe & Well:

8.3.1 It is anticipated a clear, published policy will help ensure those wishing to install temporary roadside memorials or permanent tributes are aware of the requirements. A policy helps to minimise the risk of adding to the distress of those involved.

8.4 Connected & Smart:

8.4.1 The policy will be published on the Council website, with copies and further information available from Council Customer Contact Centres.

8.5 Financial Implications:

8.5.1 The cost of procuring and installing temporary roadside memorials and permanent tributes will be met by the individual or group requesting or installing them.

8.5.2 The Council will fund the removal of temporary roadside memorials and any cleansing costs to return the highway to normal.

8.5.3 Permanent tributes will be funded by the individual or group requesting them, unless in exceptional circumstances there is a decision made by the Council to provide funding. The Council will include any permanent tributes into the Highways Asset Management Plan to ensure they are maintained to the same standards as other infrastructure. After 10 years, the Council will remove or replace tributes as required.

8.6 Legal Implications:

8.8.1 This policy sets out the way the Council will deliver its statutory obligations in respect of regulating the road network, set out in the Highways Act 1980 and related regulations, however there is no specific legislation or instruction from the Secretary of State in respect of roadside memorials, this is a discretionary decision for the Council.

8.7 People Implications:

8.7.1 It is anticipated the resources required to administrative and operation of this policy can be delivered using existing resources.

8.8 Property Implications:

8.8.1 There are no property implications associated with this proposed policy.

8.9 Consultation

8.9.1 This policy will be published on the Council website and made available to any person requesting a copy.

8.9.2 Essex Police has been consulted directly and responded positively to the proposals as set out, specifically pleased with the prominence of the Police Liaison Officer, who will be key to successful implementation of the policy.

8.10 Equalities and Diversity Implications

8.10.1 An equalities impact assessment has been undertaken and found no disproportionate adverse impacts on any protected groups.

8.11 Risk Assessment

8.11.1 In each case, the Council will undertake appropriate assessments to understand and mitigate any risks.

8.12 Value for Money

8.12.1 Where the Council procures, maintains or removes memorials or tributes, care will be taken to ensure any works deliver value for money.

8.13 Safety Implications

8.13.1 A robust and compassionate policy will ensure the community can be supported in difficult times, and that the road network remains safe and efficient.

8.14 Environmental Impact

8.14.1 Disposal of any temporary roadside memorials will be undertaken by Council contractors in line with their obligations to ensure safe and environmentally friendly disposal.

8.14.2 Permanent tributes will be considered against established Council policies to ensure the environment and habitat impacts are mitigated.

9. Background Papers

None

10. Appendices

10.1 Highway Memorials Policy

Southend-On-Sea Highway Memorials Policy

1. INTRODUCTION

This policy sets out how the Council will facilitate temporary roadside memorials and permanent tributes.

The Council recognises the sensitivities and feelings of those involved and has adopted this policy with a view to formalising our approach and ensuring it can support the community.

2. KEY ISSUES

The Council has a difficult balance to strike, between facilitating expressions of memorial and tributes following the loss of a loved one.

As a Highway Authority, the Council has a duty to ensure the safe and efficient use of the road network, and in the case of temporary roadside memorials can often be in a position of being reactive, with a limited ability to engage proactively with those involved.

Any permanent tributes must be considered for their wider benefit for the community, usually in the form of memorial benches, with engagement between the Council and the individual or group requesting it, both can work together to ensure it enhances amenities for all in the community.

The Council is committed through this policy to a fair and compassionate approach, ensuring that we work with those involved to ensure their wishes are met, and the impact on the wider community is mitigated.

3. TEMPORARY ROADSIDE MEMORIALS

The Council will facilitate a temporary roadside memorial subject to the following criteria being met.

Criteria

- A temporary roadside memorial includes tributes placed along the footway or verge of a highway and consisting of
 - Floral
 - Photographs, Cards
 - Soft Toys
- Any lit candles or lights must always be attended, care must be taken to minimise the risk of fire or injury, particularly to children.
- The layout should be such that it can be accessed or maintained without the need to stand on the kerb edge or in the carriageway or cycle lane.
- Nothing should be attached or secured to any infrastructure which provides for the safe use of the road network, for example traffic signals, guardrail or obscuring signage.

A temporary roadside memorial will remain in place for up to 8 weeks, unless the Council receives a request from the family affected to remove it sooner.

In circumstances where the Police are actively seeking witnesses to an incident, the Council is aware the presence of a temporary roadside memorial could help to attract interest from potential witnesses, therefore if police signage remains in place, the temporary roadside memorial can remain until that signage is removed.

Any floral tributes which have degraded will be disposed of immediately, any other tributes will be retained by the Council for up to two months, to enable the family to decide what, if anything they would like to retain. If there is no communication after two months, anything remaining will be disposed of.

Anniversary Tributes

In these circumstances, temporary roadside memorials will be subject to the same conditions as above but will be removed after 14 days.

Communications

The Council is aware that those affected by the loss of a loved one must be treated with sensitivity, and not be subject to unnecessary contact. To this end, the Council will ensure so far as is possible, that any communication with families or groups associated with temporary roadside memorials is undertaken through the Police Liaison Officer.

Urgent Responses

Where there is an immediate danger to road users, the Council or Police may be forced to intervene without notice to remove or relocate a temporary roadside memorial.

Where a memorial requires the closure or restriction of a road, this will usually be facilitated by Police, however, where a planned event is to go ahead, this must be notified to the Police Liaison Officer who will work with the Council to understand what further measures or input may be required.

4. PERMANENT TRIBUTES

In most cases, applications for permanent tributes will be considered for parks, gardens or other open spaces away from the public highway.

The Council is aware that there are sometimes exceptional circumstances whereby a specific location on the public highway may be of importance to the tribute, this policy sets out how the Council will consider applications.

A permanent tributed may take the form of a; -

Bench or other seating

Tree

Planted bed or planter

In all cases the individual or group requesting the permanent tributed must submit in writing an application to the Council which sets out the requested item, its design specifications and preferred location. An applicant must also include the likely impact on the use of the road network and any residents or businesses which may be affected.

5. EXCEPTIONAL ACTIONS

The Council is aware that in certain circumstances, it may be asked to act outside of this policy to respond to community concerns, in such cases, the Council will work with the Police Liaison Officer and / or the individual or group responsible for the memorial or tribute on any decision taken and the reason for it.

6. FUNDING

Under normal circumstances, the Council will not be responsible for funding any temporary or permanent memorials or tributes.

The Council will cover the costs of removal, storage and disposal of temporary roadside memorials, and the maintenance of permanent tributes for up to ten years, after which it may be removed or replaced as required.

6. LIABILITY

The Council accepts no responsibility for any injury, damage or loss associated with any temporary roadside memorials. Permanent tributes accepted by the Council will be maintained by, and the responsibility of the Council and included in the Highways Asset Management Plan.