

REPORT TO: Environment and Urban Renewal Policy
and Performance Board

DATE: 2nd December 2020

REPORTING OFFICER: Strategic Director – Enterprise,
Community and Resources

PORTFOLIO: Transport

SUBJECT: Roadside Memorials

WARDS: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To seek the views of the Board on the creation of a roadside memorials policy.
- 1.2 A number of local authorities have started to establish policies and protocol relating to the placement and removal of roadside floral tributes and other memorials placed at the scene of fatal road crashes, and other fatalities adjacent to the highway. Such policies have endeavoured to represent a pragmatic and consistent approach in dealing with these above issues. Adopted policies generally set a time period for the placement of flowers and other tributes and include protocols and arrangements for their removal and the return of non - perishable items to bereaved relatives. It is recognised that this is a sensitive and emotional issue, and may raise objections, but nonetheless it is a subject worthy of debate.

2.0 RECOMMENDATION: That the Board consider the example policy contained in Appendix A and the need for such a policy in Halton

3.0 SUPPORTING INFORMATION

- 3.1 The Council has a legal duty to ensure that highways are fit for purpose and to make sure that public open spaces are free from debris.
- 3.2 Although it can sometimes be difficult for grieving relatives to understand, the presence of memorials can cause upset to other individuals within the community, and can additionally have the potential, through road user distraction, to cause further incidents. The tributes may have a significant impact on the local community who may have witnessed the event and have an impact on their feeling of safety and wellbeing.
- 3.3 Grieving relatives and friends may also feel obliged to continue to maintain a memorial for a long time after the event. There is no natural end to the process and the provision of some guidance on memorials may help the

grieving process by giving them a framework for “moving on” to the next stage.

4.0 POLICY IMPLICATIONS

- 4.1 It is recognised that a policy of this type may draw adverse publicity as it tackles a highly emotive subject. However, the positive road safety benefits and need to discharge legal duties (set out in paragraph 3.1) are considered to warrant a policy position.
- 4.2 The purpose of a policy would be to provide a formal framework which will enable the management of Roadside Memorials in a way which best serves the community as a whole. It seeks to formalise those actions which are currently undertaken by a multi-agency approach.

5.0 OTHER IMPLICATIONS

- 5.1 Cheshire Police would need to be consulted on any proposed policy as it will usually be a Police Family Liaison Officer who will be the main point of contact with a bereaved family.

6.0 RISK ANALYSIS

- 6.1 There are no legal and financial risks that arise from the consideration of a roadside memorials policy.

7.0 EQUALITY AND DIVERSITY ISSUES

- 7.1 There are no equality and diversity implications arising from the subject of this report.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

None within the meaning of the Act.

APPENDIX A

EXAMPLE - Roadside Memorials and Tributes Policy

Purpose

The purpose of this document is to provide a formal framework which will enable the management of Roadside Memorials in a way which best serves the community as a whole. It seeks to formalise those actions which are currently undertaken by a multi-agency approach, in the form of a protocol/policy which will assist in the management of this.

1. The Concept

Although it can sometimes be difficult for grieving relatives to understand, the presence of memorials can cause upset to other individuals within the community, and can additionally have the potential, through road user distraction, to cause further incidents.

The practice of marking road related deaths and other deaths that occur on the highway with tributes does not always reflect the views and opinions of the local community. In some cases, they can have a significant impact on the local community who may have witnessed the event and have an impact on their feeling of safety and wellbeing.

Grieving relatives and friends may also feel obliged to continue to maintain a memorial for a long time after the event. There is no natural end to the process and the provision of some ground rules and guidance might actually help the grieving process by giving them a framework for "moving on" to the next stage.

At many locations, it is not safe to stop vehicles and/or walk on the carriageway and the presence of pedestrians attending to memorials can therefore be dangerous. The memorials may also distract drivers passing the scene and possibly cause an obstruction to pedestrians or cyclists using the area.

The Council has a legal duty to ensure that highways are safe and to make sure that public open spaces are kept free from debris. Flowers will die naturally after a few days and after periods of inclement weather they can become untidy if they are not removed. The practice of displaying cuddly toys and football shirts over time can contribute to a site being considered unsightly. The practice of adding photographs of the victim can also be distracting.

The Highways Act 1980 contains no express provision to licence or permit memorials on the highway. Even if a license could be granted under the Highways Act, it is unlikely that permission would be given due to the potential highway safety issues associated with tributes. provision to grant to license.

It is considered appropriate that agencies should adopt a pragmatic approach to what is a very difficult and sensitive issue. The principles of the protocol is detailed in the following paragraphs:

2. Permanent roadside memorials

- a) Permanent roadside memorials are not allowed, as the Council could be faced, after a number of years, with a proliferation of memorials within the Borough.
- b) In circumstances where the bereaved family (or the local community) do request a permanent memorial, the Council attempts to satisfy such requests by encouraging the provision of benches, trees or artwork at locations away from the highway. To this end, the Council has co-operated in the dedication of park benches and the planting of trees etc. in public open spaces, country parks or cemetery gardens.

3. Floral and other tributes

- a) The Council attempts to discourage the practice of placing floral and other tributes by the roadside, for the reasons outlined in this policy. However, providing that there is no adverse effect upon safety, the Council do allow tributes to remain in place for a period of up to 10 days.
- b) In cases where tributes are felt to have an adverse impact upon safety (for example by obstructing visibility for drivers etc.), Council officers will be remove the tributes immediately.
- c) In cases where Council officers deem it necessary to remove tributes every attempt will be made to ensure the bereaved family have been consulted prior to their disposal to give them opportunity to retrieve any personal items such as teddy bears, photographs and accompanying cards.
- d) In some instances a location can often become a place to revisit on anniversaries. Whilst this practice is discouraged, by the use of proper memorial facilities, it is difficult to completely stop the practice. In such cases flowers and other tributes will be removed after 10 days.

4. Alternative Memorials

The Police and/or the Council usually bring the grieving family's attention to one particular agency who have great expertise at dealing with this issue, namely:

RoadPeace, which is a UK National Charity for road collision victims that supports those bereaved or injured in a road crash. RoadPeace offers a free

Internet memorial service, as well as holding an annual remembrance service in Liverpool. Further detail can be obtained from www.roadpeace.org.

5. Contact with relatives

- a) Police Family Liaison officers are usually the first people to deal personally with the bereaved relatives. Consequently, Cheshire Police would need to advise the family of this policy along with other information they normally provide.
- b) The Police Family Liaison Officer would normally coordinate all activities such as visiting the site, and general liaison with the relatives. Where necessary it is anticipated that the Council will be informed by the Police of any matters arising and seek to assist in this if practical. Advice will also be given to relatives that future unaccompanied visits to the site should be discouraged in the interests of road safety.
- c) Council officers will not normally contact the bereaved before removing dead flowers, as previous information would have been provided relating to the this Policy through the Police Family Liaison Officer.
- d) In cases where families continue to place fresh flowers and other tributes, and they remain for a period of more than 10 days, Council officers will attempt to contact the family and Family Liaison Officer, making them aware of this policy, and informing them of the intention to remove the flowers or tribute. The tribute will then be removed within a period of 2 working days.