

**REPORT TO:** Executive Board

**DATE:** 13 March 2025

**REPORTING OFFICER:** Executive Director - Environment & Regeneration

**PORTFOLIO:** Environment and Urban Renewal

**SUBJECT:** Roadside Memorials

**WARDS:** Borough-wide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To formally adopt a new roadside memorials policy.
- 1.2 A number of local authorities have established 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.
- 1.3 The purpose of these policies is to provide a sensitive, pragmatic and consistent approach in dealing with these tributes, because they can present a risk to other road users and if left in place over long period become unsightly. The 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 having an agreed position.

## **2.0 RECOMMENDATION: That the Board adopt the policy contained in Appendix A.**

## **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 (described in paragraph 3.1) are considered to warrant a formal policy.

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 The application of this policy will involve the cooperation of other agencies, for example a Cheshire Police Family Liaison Officer would normally be the main point of contact with a bereaved family.

#### **6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

##### **6.1 Improving Health, Promoting Wellbeing and Supporting Greater Independence**

None identified.

##### **6.2 Building a Strong, Sustainable Local Economy**

None identified.

##### **6.3 Supporting Children, Young People and Families**

None identified.

##### **6.4 Tackling Inequality and Helping Those Who Are Most In Need**

None identified.

##### **6.5 Working Towards a Greener Future**

None identified.

##### **6.6 Valuing and Appreciating Halton and Our Community**

None identified.

## **7.0 RISK ANALYSIS**

7.1 There no legal and financial risks that arise from the adoption of a roadside memorials policy.

## **8.0 EQUALITY AND DIVERSITY ISSUES**

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

## **9.0 CLIMATE CHANGE IMPLICATIONS**

None identified.

## **10.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Environment and Urban Renewal PPB – 2 Dec 2020	<a href="http://www.halton.gov.uk">www.halton.gov.uk</a>	<a href="mailto:Tim.Gibbs@halton.gov.uk">Tim.Gibbs@halton.gov.uk</a>

**Halton Roadside Memorials and Tributes Policy**

**1. Purpose of Policy**

- 1.1 The purpose of this Policy 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.

**2. Justification for the Policy**

- 2.1 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.
- 2.2 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.
- 2.3 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 ground rules and guidance might actually help the grieving process by giving them a framework for “moving on” to the next stage.
- 2.4 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.
- 2.5 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.
- 2.6 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.

- 2.7 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:

### **3. Permanent Roadside Memorials**

- 3.1 Permanent roadside memorials will not be allowed, as the Council could be faced, after a number of years, with a proliferation of memorials across the Borough.
- 3.2 In circumstances where the bereaved family (or the local community) do request a permanent memorial, the Council will attempt 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.

### **4. Floral and Other Tributes**

- 4.1 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 28 days.
- 4.2 In cases where tributes are felt to have an adverse impact upon safety (for example, by obstructing visibility for drivers, directional signage, or people paying tribute are obstructing the highway with parked vehicles or in person), the tributes will be removed immediately in the interests of public safety.
- 4.3 In cases where it is 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.
- 4.4 In some instances a location can often become a place to revisit on anniversaries. Whilst this practice is discouraged, with a preference for proper alternative memorial facilities, it is difficult to completely stop the practice. In such cases flowers and other tributes will be removed after 5 days.

### **5. Alternative Memorials**

- 5.1 The Police and/or the Council usually signpost the grieving family's attention to 'RoadPeace' who have great expertise at dealing with this issue.
- 5.2 RoadPeace, 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](http://www.roadpeace.org).

## **6. Contact with Relatives**

- a) Police Family Liaison officers are usually the first people to deal personally with the bereaved relatives. Consequently, Cheshire Police would be asked 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 beyond the initial 28 day period, Council officers will attempt to contact the family and Police Family Liaison Officer, making them aware of this policy, and informing them of the intention to remove the flowers or tribute. The tributes will then be removed within a period of 5 days.