

Cabinet – 16 December 2009

Roadside Memorials

Portfolio:	Councillor Flower, Environment Councillor Ansell, Transport
Service:	Engineering and Transportation Services Street Pride Public Safety
Wards:	All
Key decision:	Yes
Forward plan:	Yes

1. Summary of report

This report sets out the approach to dealing with Roadside Memorials either following a road traffic collision occurring on the public highway or other incident resulting in a sudden death.

2. Recommendations

That Cabinet agree to adopt this new procedure with immediate effect and to endorse comments made by the Environment Scrutiny and Performance Panel at its meeting on 16 November 2009 as outlined in paragraph 3 of this report.

3. Background information

- 3.1 On 16 November 2009, the Environment Scrutiny and Performance Panel considered a report together with a draft Roadside Memorials Procedure which is appended (**Appendix A**).
- 3.2 The Panel resolved to recommend to Cabinet that it agreed the Procedure, taking into account the following observations:-
 - 3.2.1 That permanent memorials should not be allowed under any circumstances and therefore paragraph 4.7 of the draft policy should be amended to reflect this and paragraph 4.8 should be deleted.
 - 3.2.2 That as the report demonstrated good practice it should be shared with neighbouring local authorities.

- 3.3 If Cabinet is minded to agree a revision to paragraph 4.7 of the draft procedure then it is suggested that the following is stated:-

“The placing of permanent memorials on or near the public highway and associated infrastructure will not be permitted”.

4. Resource considerations

- 4.1.1 **Financial:** Currently all costs associated with the removal of existing floral tributes are covered as part of the Street Pride service. The inspection visits undertaken by the Road Safety Team and Licensing Enforcement Team would be additional workload. However, due to the low volume of this type of incident, it is anticipated that the visits can be subsumed within the current workload.

A small information leaflet will be produced to summarise the key points for dissemination to the affected families. The costs of producing and printing this leaflet will be met from existing budgets.

There are no further financial implications contained within this procedure.

- 4.2 **Legal:** There are no specific legal Implications with this proposed procedure.
- 4.3 **Staffing:** The adoption of this procedure will have a minimal impact on staffing resources.

5. Citizen impact

The approval of a roadside memorial procedure will clearly define a sympathetic approach and criteria for placing temporary memorials on the public highway following a death. Furthermore, it will protect citizens from the placing of excessive memorials and tributes, which may be detrimental to the surrounding environment.

6. Community safety

Roadside memorials can be hazardous to motorists and this procedure seeks to address such memorials that pose an immediate potential danger.

7. Environmental impact

The removal of roadside memorials will protect the integrity of the street scene.

8. Performance and risk management issues

- 8.1 Performance management is an essential aspect of service delivery; therefore, in ensuring a consistent approach to managing this sensitive issue we can meet the expectations of the public.

9. Equality implications

None arising directly from this report.

10. Consultation

10.1 External organisations have been asked for comments, namely,

- Centro as a memorial may be affixed to a bus shelter;
- Highways Agency to ensure consistency of approach across Walsall's highways network;
- West Midlands Police Authority;
- Amey Lighting Ltd as a memorial may be affixed to a lighting column, sign post etc;
- Statutory undertakers such as British Telecom as their apparatus, for example telegraph poles, could be used to affix memorials

10.2 All of the comments received have been considered as part of this report.

Background papers

Other local authority policies.

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4 December 2009

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7 December 2009

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4 December 2009

PROPOSED PROCEDURE ON MEMORIALS AND TRIBUTES PLACED ON THE ROADSIDE

1 Background

- 1.1 This procedural statement is designed to provide a sensitive but controlled management of roadside memorials and tributes on the roads of Walsall. It has been developed in consultation with council officers, locally elected representatives and external agencies and aims to secure a consistent approach throughout the Borough.

2 Introduction

- 2.1 This procedure has been written in response to the increasing number of memorials being placed on the public highway and other council owned land following a fatal road traffic collision or other incident resulting in a sudden death. Nationally there is an increasing trend to place memorials following a sudden death and there is an acceptance that there is a demand for something in the immediate vicinity of the incident, particularly in the immediate aftermath before funerals are arranged. Therefore, it is recommended that the council adopts a procedure to manage it, rather than prohibit the placement. Many other local authorities have adopted a similar approach, which enables the initial placement of a temporary memorial for a specified time.

- 2.2 While memorials enable the relatives and friends of the deceased to express and share their grief they do create other problems. Safety, accessibility, environmental, and security concerns have all been raised in association with memorials. Therefore consideration of the safety in creating a memorial and its affect on highway visibility need to be considered:

- how the memorial can be reached (is it in the centre of a traffic island?)
- how long will the floral tributes etc. be placed before decaying and becoming an eyesore and need removing?

A further consideration is the effect that the memorial will have on the surrounding environment and other parties:

- Is it outside a house or workplace?
- Will there be groups of people congregating outside homes?
- Could it distract motorists or other road users?

All of these factors can create concerns with other parties who are not directly connected with the situation.

- 2.3 One example was a road traffic collision that resulted in a fatality along a residential street in Willenhall. A roadside memorial was created outside the residential property consisting of flowers and other tributes, which extended the full width of the property and were several deep. The memorial effectively created an obstruction to the highway and caused distress to the residents in this and neighbouring properties. However, the family of the deceased person felt a strong need to have a focal point for their grieving at the place where the incident

occurred. Despite local residents supporting the family of the deceased, the situation became increasingly difficult as the tributes continued to grow. Finally, the council intervened with the support of the Police Family Liaison Officer and removed the memorial.

- 2.4 Obviously, this situation created considerable stress to the affected parties involved and in dealing with this, it became apparent that the council did not have a consistent approach to deal with these situations. A clear and fair procedure identifying the process and actions required would have been of benefit to all parties affected along with the council officers who had to decide if and when to take any action. Obviously, without a procedure we are potentially open to criticism if we do take action to curb such memorials, but similarly if we do not.
- 2.5 In the development of this procedure, we have considered many existing policies already implemented by local authorities along with additional relevant material produced by organisations such as RoadPeace and Brake (road safety charities).
- 2.6 The proposed procedure has taken into consideration the timescales contained within appropriate professional guidance and the removal of the Christmas tributes as well as providing a consensus with other external policies.

3 Our Approach

- 3.1 The practice of laying floral tributes at the site of a fatal collision or incident has, in recent years, become more common. To many families involved it is an important part of the grieving process and provides a poignant reminder of the loss of a loved one. However, the tributes are becoming more elaborate as they now include such items as crosses, candles, vehicle parts, bunting, toys, clothing, scarves, pictures, and photographs. Whilst these tributes could be seen as a reminder to some road users of the need to drive with greater care and tolerance, others could also see them as a distraction and for local people an unwanted reminder of a tragedy. In addition, for those people who use or are employed to maintain the highway they can pose an unnecessary risk of injury when trying to move or work around the tribute in what is already a potentially hazardous environment. This procedure seeks to find a balance between these conflicting views.
- 3.2 Preliminary consultation has identified that there is a perception that, in general, grieving should remain a private matter and any memorial or tribute should for example, be provided via facilities at cemeteries or crematoria. Clearly, there is no ideal solution to this issue. However, by offering a balanced response that caters for the needs of the family and friends of the deceased and the wider community, it is hoped that the procedure will be seen as fair and reasonable.
- 3.3 It should be noted that Walsall Council is the Highway Authority for non trunk roads and as such needs to approve all roadside fittings, regardless of whether they are temporary or permanent. The Highways Agency is the Highway Authority for trunk roads in Walsall, and at the present time, there is no specific policy identified covering roads for which they have responsibility. However, it is hoped that the Highways Agency would seek to adopt a similar approach through its strategic liaison with the local police and council. It should also be noted that other street furniture such as bus stops and lighting columns are owned by other

agencies and consultation with these agencies will be required as part of this process.

- 3.4 If contact by council staff is necessary with the families or friends of the deceased then this shall be made at all times through the relevant Police Family Liaison Officer.

4 Proposed Procedure

- 4.1 This procedure has been jointly developed in consultation with Public Safety, Engineering Services and Street Pride.

Temporary Memorials

- 4.2 Walsall Council will allow a temporary memorial consisting of floral or other tributes where they are organised through an agreement with the Police Family Liaison officer, and if relevant, any third party, on the understanding that they will be removed within thirty days of the fatal incident.
- 4.3 The procedure does not allow anniversary tributes to be placed on the highway and any tribute relating to an incident, which occurred in the previous year, or more than 30 days previously will be removed immediately in accordance with paragraph 5.8.
- 4.4 Items should be placed away from locations that are particularly hazardous to access, such as the central reserve of dual carriageways or the central island of roundabouts. Any items that are considered to have an adverse effect on public safety or the environment may be removed at any time, in which case the Police Family Liaison Officer will be informed to disseminate the information to the family.
- 4.5 Where a fatal incident site significantly affects specific properties or Council owned land, local views will be taken into account in determining whether and where tributes should be placed.
- 4.6 The Council will not allow the laying of floral or other tributes on or adjacent to the public highway after the thirty-day period following the fatality. Any remaining after this period will be dealt with in accordance with paragraph 5.8.

Permanent Memorials

- 4.7 The placing of permanent memorials on or near the public highway and associated infrastructure will not be permitted.

5 Application of Procedure

- 5.1 In allowing floral or other tributes to be placed at the scene of a fatal incident, it must not be forgotten that all roads have potential dangers and sites of road accidents may be particularly hazardous. The precise location of any tributes must take into account the layout of the road in order to minimise the risks to

those placing or visiting the memorial and to avoid causing a hazardous distraction to other road users.

- 5.2 All memorial sites will be visited by a Road Safety officer within 5 days of notification to be assessed on road safety and environmental grounds. In the event of a memorial being removed immediately then the items will be dealt with in accordance with paragraph 5.8.
- 5.3 Where complaints are received concerning an existing memorial, a further check will be undertaken by the Licensing Enforcement team. If it is appropriate that the memorial be removed or reduced in size, then the Council will remove the offending tributes in accordance with paragraph 5.8.
- 5.4 A further assessment will be made within 15 days of the initial report to ensure that the condition and size of the memorial remains appropriate. If the memorial is considered inappropriate then it may be removed or reduced in size. Any removed items will be dealt with in accordance with paragraph 5.8.
- 5.5 Following the completion of the thirty-day period of the fatal incident, all remaining tributes will be removed by the Council in accordance with paragraph 5.8.
- 5.6 Where possible, the removal of tributes will be co-ordinated through the Police Family Liaison Officer who will advise the family of the date the tribute will be removed. This will provide the opportunity for the family to remove any personal items from the roadside or Council owned land before the Council arranges for the area to be cleared.
- 5.7 In the event of a memorial needing to be removed immediately, either wholly or in part, then it will not be possible to provide prior notice. However, the Police Family Liaison Officer will be informed following removal to advise the family.
- 5.8 In all instances of removal floral tributes will not be retained and non-floral tributes will be retained by Street Pride at Walsall Depot, for a period of four weeks. If they are not collected within that time, they will be disposed of.
- 5.9 Tributes or memorials laid before the procedure came into effect will be reviewed on an individual basis with the family concerned, where they can be identified, to bring such locations in line with this policy. However, the Council reserves the right to remove them during routine maintenance, if they are considered a hazard, or a distraction to road users, or if the items have become decayed.

6 Conclusion

- 6.1 In developing this procedure, consideration has been given to the interests of everyone, whether using the road or council owned land, or affected by a fatal incident. The overall aim is to enable the immediate response to the tragic loss of a family member or friend to be handled in a sympathetic and consistent manner, and to take into account the safety of all road users and residents.

7 Financial Implications

- 7.1 Currently all costs associated with the removal of existing floral tributes is covered as part of the Street Pride service.
- 7.2 The inspection visits undertaken by the Road Safety Team and Licensing Enforcement Team would be additional to the existing workload. However, due to the low volume of this type of incident, it is anticipated that the visits can be subsumed within the current workload.
- 7.3 The work currently undertaken by the Police Family Liaison Officer includes developing a close relationship with the bereaved family and providing information and counsel throughout the period. Therefore disseminating the information contained within this policy could be easily incorporated within the role.
- 7.4 A small information leaflet will be produced to summarise the key points in the policy for dissemination to the affected families. The costs of producing and printing this leaflet will be met from existing budgets.
- 7.5 There are no further financial implications contained within this procedure.