

REPORT TO: EXECUTIVE

REPORT BY: HEAD OF TRANSPORT AND STREET MANAGEMENT

WRITTEN BY: ANDY FINCH, CLIENT MANAGER

SUBJECT: POLICY ON THE MANAGEMENT OF ROADSIDE MEMORIALS

DATE: 19 MARCH 2007

1. Purpose

- 1.1 The purpose of this report is to set out a policy for the management of roadside memorials within the city. Whilst necessarily written in general terms, the policy is aimed at regulating the more permanent type of roadside memorial that is becoming increasingly prevalent in the city and elsewhere in the country. For memorials of a more temporary nature it is anticipated that common sense will prevail providing public safety is not prejudiced.

2. Recommendation

- 2.1 **That approval be given for the immediate application of the following policy guidelines for the management of roadside memorials:-**

- **The Council will authorise floral or other temporary appropriate memorials. A six-week duration is proposed which may be extended after discussion with the relatives.**
- **The Council will not authorise further permanent roadside memorials.**
- **The Council will not authorise anniversary roadside memorials.**
- **Memorials will not be permitted to be laid at locations that are dangerous to access or may cause distraction to drivers.**
- **Where practicable, all contact with the bereaved will be made through the Hampshire Police Constabulary Road Policing Unit.**

3. Background

- 3.1 This matter was previously considered at meetings of the Environment and Transport Executive on 8 November 2006 and 24 January 2007. At this latter meeting having regard for the sensitive nature of the issue, the decision was sent to the Executive.
- 3.2 It is increasingly common for relatives and friends to wish to place memorials on the highway in memory of loved ones that have died in road accidents. This practice is largely unregulated. The Council acknowledges and respects the wish of the bereaved to mark road deaths in this way but also has a duty to keep the public highways safe. The Council therefore has to carefully balance the wishes of the bereaved with public safety. The distraction of motorists and the

safety of those placing or maintaining memorials are the overriding safety issues in the consideration of roadside memorials.

- 3.3 Currently the Council has no definitive policy on roadside memorials. There are currently two permanent sites in the city; Mile End Road and Eastern Road. It is not proposed to include these established sites in this policy.
- 3.4 The Highways Act 1980 has no express provision to licence or permit memorials on the highway. There is a view that the more permanent type of memorial forms an obstruction to the highway similar to advertising boards.
- 3.5 Planning is generally not an issue providing the scale of the memorial is not excessive.
- 3.6 Under the Highway Management Contract, Ensign Highways Ltd. are responsible for managing the road network on behalf of the Council. Both Ensign Highways and the Council acknowledge the sensitivities involved but believe that a policy is needed to provide clarity for future applications and for assignment of liability if an accident attributable to a roadside memorial occurs. At present this falls to Colas Ltd. and will continue to do so unless an agreed manageable and practicable policy is not approved. In this case liability may transfer to the Council.
- 3.6 For a minimal charge the Council can provide a permanent memorial consisting of an engraved plaque mounted on a granite block or a bench. These can be situated at public locations overlooking the sea. It is suggested that these may provide a more appropriate and longer lasting memorial.

4. Proposed Policy

- 4.1 In preparing the following policy, the guidance published by Hampshire County Council, East Sussex County Council and Surrey County Council has been reviewed. Additionally, the following having been consulted:
- Road Safety and Traffic Management Section
 - Ensign Highways Ltd.
 - Hampshire Police Constabulary Road Policing Unit.
 - Portsmouth Interfaith Forum.
- 4.2 The following policy on the management of roadside memorials is proposed:
- The Council will authorise floral or other temporary appropriate memorials. A six-week duration is proposed which may be extended after discussion with the relatives.
 - The Council will not authorise further permanent roadside memorials.
 - The Council will not authorise anniversary roadside memorials.

- Memorials will not be permitted to be laid at locations that are dangerous to access or may cause distraction to drivers.
- Where practicable, all contact with the bereaved will be made through the Hampshire Police Constabulary Road Policing Unit.

5. Proposed Removal Procedures

5.1 The following procedure for the removal of road side memorials is proposed:

- At the end of the 6-week period following a fatal accident, the bereaved will be contacted through the Hampshire Constabulary Policing Unit advising relatives of the date by which memorials should be removed.
- A minimum of 7 weeks following the accident Colas Ltd. will remove the tribute. Floral Tributes will be disposed of whilst other tributes will be kept for a further period of 3 months. Following this period they will be disposed of.
- Any memorials that have been installed at locations considered to have adverse road safety implications will be removed. Where practicable the relatives will be contacted before this is done. The assessment of such locations will consider the minimisation of risk to those placing or visiting the memorial and the need to avoid distracting other road users.

6. Consultation

6.1 Hampshire Constabulary see this report as Portsmouth's contribution to a Hampshire-wide policy on dealing with this sensitive issue. A Family Liaison Officer (FLO) from within the Road Death Team is appointed following each fatal accident. This Officer deals directly with the relatives and guides them through the process of dealing with the initial accident through the Coroners Court and to the conclusion of the Police enquiries. If requested the FLO will arrange a visit to the scene of an accident and will, if considered necessary on safety grounds, arrange for temporary road closures to enable the relatives to visit the scene safely. The FLO has discussions about the relatives wishes regarding future visits and where considered appropriate seeks to discourage these where there are potential safety issues. The FLO's actively discourage the placement of memorials at the roadside; however, if the families are insistent they contact the Local Authority to enable further discussion on the process and any concerns to be outlined.

6.2 Overall the responses from the faith-based groups was considered to be neutral, although there was some concern expressed about imposing policy on what is a deeply personal issue. There seemed to be strong concerns about why it was necessary to prevent commemorations on anniversary dates, and also comments as to whether the 6-week limit on memorials was long enough. Suggestions were made that at sites where memorials were not to be permitted because of the potential risks to the relatives, then the Police could on behalf of the family place the memorial. The Police did not support this proposal. Alternatively an Internet hosted page could be set up to allow relatives to post their comments.

7. Financial Implications.

7.1 There are no direct financial implications to the City Council based on the policy proposed. However, should a decision be made to authorise commemorations on anniversary dates or the provision of other means of expressing condolence, and the Council not levying a charge for organising this, then there will be an on-going revenue budget pressure.

Signed:
Head of Transport and Street Management

*Background List of documents –
Section 100D of the Local Government Act 1972*

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report –

<i>Title of document</i>	<i>Location</i>
The Highways Act 1980 - Section 132 Hampshire County Council guidelines "Roadside Memorials"	
East Sussex County Council guidelines "Roadside Memorials and Tributes".	
Road Peace "Roadside Memorials".	

The recommendation(s) set out above were approved/approved as amended/deferred/rejected by the Executive Member on

Signed:
Executive Member for Environment and Transportation