

**Meeting date:** 28<sup>th</sup> March 2018  
**Report to:** CPH Transport and Highways Decision Session  
**Subject/report title:** Roadside Memorials Policy Review 2019  
**Report from:** Director of Managed Growth and Communities  
**Report author/lead contact officer:** Kath Hemmings



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**Wards affected:**

All Wards |  Bickenhill |  Blythe |  Castle Bromwich |  Chelmsley Wood |  
 Dorridge/Hockley Heath |  Elmdon |  Kingshurst/Fordbridge |  Knowle |  
 Lyndon |  Meriden |  Olton |  Shirley East |  Shirley South |  
 Shirley West |  Silhill |  Smith's Wood |  St Alphege

**Public/private report:** Private

**Exempt by virtue of paragraph:** 2 of Schedule 12A of the Local Government Act - Information which is likely to reveal the identity of an individual.

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**1. Purpose of Report**

1.1 This report reviews the Council's policy on roadside memorials, and proposes an amendment based on current circumstances.

**2. Decision(s) recommended**

2.1 The Cabinet Post Holder is recommended to approve the amended policy on Roadside Memorials.

**3. What is the issue?**

3.1 In 2012 the Council introduced a policy on roadside memorials in response to concerns raised by relatives, residents and officials. Whilst visits by the bereaved to the scene of a fatal incident are sometimes part of the grieving process, local tensions were arising when memorials lasted for months or years.

3.2 Since the policy was introduced it has been largely successful in managing the issue. However it was never envisaged that some memorials would be replaced every few days. Under the 2012 Policy, the Council is required to continuously remove and store personal items for collection by the family.

3.3 Unfortunately the constant replacement of a memorial can have motives beyond being

part of the grieving process and it has become apparent that continually storing personal tributes for collection is counter-productive to delivering the Council's policy.

#### **4. What options have been considered and what is the evidence telling us about them?**

- 4.1 Consideration has been given to whether the Council should agree to keep items removed from a roadside memorial at all; or if so on how many occasions. The option of storing items at Woodlands and Robin Hood cemeteries is no longer viable, as there are no longer reception facilities available. A temporary store is being used in the interim, but this cannot continue long term.
- 4.2 The Cabinet Member and spokespersons will be briefed on a recent case study within the borough, in private, to protect the privacy of those have been affected by these issues.

#### **5. Reasons for recommending preferred option**

- 5.1 After weighing up the options it is considered that the Council must cease to retain memorial items on an unlimited number of occasions as this seriously undermines the policy. If multiple retentions were permitted this could potentially encourage and condone the return of the memorial for that number of occasions. Therefore it is considered that items should be retained on the first occasion only.
- 5.2 As with the previous policy, memorials would be left for up to six weeks or until two weeks after a funeral has taken place (in the circumstances where a funeral is delayed). This should give reasonable time for loved ones to visit the site and strikes a balance in time scales between other local authority policies reviewed.
- 5.3 Where possible the families of the deceased are notified prior to the removal of tributes via the police family liaison officer. A notice is also left on site explaining the policy and where personal items can be collected from.
- 5.4 Families will be directed towards suitable permanent locations for memorials within the Council's cemeteries. Additionally, there are dedicated memorials to those who have lost their lives on the road within both Robin Hood and Woodlands cemeteries. The full proposed revised policy is attached at Appendix 1.

#### **6. Implications and Considerations**

- 6.1 Delivery of key themes in the Council Plan:

How will the options/proposals in this report contribute to the delivery of the key themes in the Council Plan?

Improve Health and Wellbeing -

Managed Growth -

- ☒ Build Stronger Communities – this policy seeks to diffuse incidents of community tension and anti social behaviour by providing clear guidelines for families, residents and officials.
- 6.1.1 ☒ Deliver Value – this policy delivers the best possible outcome for customers in terms of cost, quality and fitness for purpose within the resources available.
- 6.2 Implications for children and young people, vulnerable groups and particular communities:
  - 6.2.1 None as a direct result of this report.
- 6.3 Consultation and Scrutiny:
- 6.4 The original policy was developed with the assistance of the Solihull Bereavement Service; Cruse Bereavement Awareness Service; the Equality and Diversity Officer for the then Places Directorate, SMBC Highway Services and Bereavement Services and West Midlands Police. Information from Brake and Roadpeace road safety charities was reviewed and referenced. It was approved by the Cabinet Member for Transport and Highways in 2012.
  - 6.4.1 Existing policies from Derbyshire, North Warwickshire, Walsall and East Sussex Councils have been reviewed whilst revising this policy. SMBC Bereavement Services have supported the revision of this policy.
- 6.5 Financial implications:
  - 6.5.1 It is considered that the revised policy is unlikely to make significant changes to the cost of the process and means that existing resources are able to be re-directed to other priorities within the service area.
  - 6.5.2 The SCH Better Places Team will remove the memorials as part of the renegotiated contract at no additional cost.
- 6.6 Legal implications:
  - 6.6.1 The provisions of the Highways Act 1980 Section; the Traffic Signs Regulations and General Directions 2002.
- 6.7 Risk implications:
  - 6.7.1 This policy intends to limit the level of risk which could arise for road users as a result of the erection and maintenance of roadside memorials.
- 6.8 Statutory Equality Duty:
  - 6.8.1 This policy supports us in advancing equality of opportunity for people of different religious backgrounds as it ensures that regardless of religion all memorials will be treated in a consistent manner. By providing a policy framework in relation to the management and removal of roadside memorials the Council is reducing its risk of being challenged for unlawful discrimination.

**7. List of appendices referred to**

7.1 Appendix 1: Roadside Memorials Policy 2019

**8. Background papers used to compile this report**

8.1 Report to Cabinet Member for Transport and Highways 7<sup>th</sup> June 2012 “**ROADSIDE MEMORIALS AND FLORAL TRIBUTES POLICY**”

8.2 Section 149 of the Highways Act 1980

**9. List of other relevant documents**

9.1 The Roadside Memorial policies of Derbyshire, North Warwickshire, Walsall, and East Sussex Local Authorities.