

SOLIHULL METROPOLITAN BOROUGH COUNCIL

Report to:	Cabinet Member for Transport and Highways
Meeting date:	7 th June 2012
Report from:	Director for Places
Report Author/Lead Contact Officer:	Kath Hemmings
Wards affected:	All Wards
Public/Private report:	Public
Exempt by virtue of Paragraph:	N/A of Schedule 12A of the Local Government Act 1972.

Subject/Report Title:**ROADSIDE MEMORIALS AND FLORAL TRIBUTES POLICY****1. Purpose of Report**

- 1.1 This report seeks approval for a new policy on roadside memorials, in the best interests of Solihull residents and the travelling public.

2. Decision(s) Recommended

- 2.1 The Cabinet Member is asked to approve the new policy on road side memorials.

3. Background

- 3.1 Visits by bereaved relatives and friends to the scene of a fatal accident are sometimes part of the grieving process and it is common for floral or other tributes to be placed on the highway in memory of loved ones, this is entirely understandable.
- 3.2 Arguments can be made both for and against the impact of roadside memorials in either heightening awareness of potential danger at an accident site or creating a dangerous distraction. Those who place roadside memorials at higher risk locations may be putting themselves in danger.
- 3.3 Road side memorials can be of great comfort to those grieving the loss of a loved one. It is apparent though that when flowers wilt and other tributes deteriorate, or when the memorials last for months and even years, nearby residents can become distressed both at their appearance and at the daily reminder of the accident. Therefore the Council has a responsibility to balance sensitivity with safety to achieve the best possible outcome for all.
- 3.4 The lack of a clear policy can create uncertainty for relatives, residents and council

officers in dealing with these issues. One case has been on-going for more than two years leading to local tensions and a large amount of officer time. Unfortunately the Council does not have the resources to adopt a case by case approach, indeed it has been suggested that in not applying a policy, the council is complicit in the proliferation of roadside memorials with families potentially feeling an expectation on them to create bigger and more elaborate tributes. These factors have led to the production of this policy approach.

4. Evaluation of Alternative Option(s)

- 4.1 Existing policies from North Warwickshire, Wolverhampton, Surry, Thurrock, Gloucester, Hampshire, Bridgend and Bolton Councils have been reviewed in the forming of this policy. There is a consensus within these policies that permanent memorials can not be permitted on the highway, whilst temporary floral tributes are acceptable for a limited period. A period of 30 days is given by a number of councils for the displaying of temporary tributes. In Solihull it is suggested that six weeks would be a more appropriate period of time to allow for bereaved family and friends from further afield visiting the site.
- 4.2 Information published on the Brake and Roadpeace websites has also been considered. These websites do not promote a clear, consistent policy but rather a case by case approach. Unfortunately this approach has already been tried in Solihull and has had a number of unintended consequences, the Cabinet Member and spokespersons will be briefed on a recent case study, in private, to protect sensitive data including names of residents who have been affected by these issues and are expressing a specific viewpoint. Roadpeace promote a “remember me” small memorial plaque, but at the present time this is not approved by the Department for Transport for permanent display on the highway.
- 4.3 The recent case study has shown little support from residents for allowing additional tributes to be placed on the highway at a later date to mark either the anniversary of the event, or the birthday of the deceased. Anniversary tributes are very difficult to manage in terms of their frequency and timing and open up a likelihood of ongoing disputes between residents and families, which benefit no one. Therefore it is recommended that these are not permitted within the policy. However the council recognises the importance of marking these significant anniversaries to family and friends of the bereaved, and the comfort that may be derived from doing so. Therefore it is recommended that Solihull Council follow the example of Bolton Council who have recently provided a permanent memorial site within one of its public areas to provide a safe and tranquil area for remembering loved ones killed on or by the roadside. This came about in response to a situation where Bolton Council was receiving increasing complaints about roadside memorials featuring not only flowers and cards but candles, lanterns, flags and sports shirts. This report recommends the provision of two dedicated areas to be located within the memorial gardens in cemeteries in the north and south of the borough, to be available when this policy is launched.
- 4.4 The provision of a fair and consistent policy is considered more compassionate than having no policy in place, as the lack of clarity creates uncertainty and potential stress for all those affected.

5. The Policy

- 5.1 Floral tributes placed on the highway may be displayed for up to six weeks following a fatality, or until two weeks after a funeral has taken place (in the circumstances where a funeral is delayed). After this time the Council requests that all memorials be removed or will assist by arranging for their removal.
- 5.2 Other non permanent tributes placed on the highway, such as small soft toys and cards, will also be left for the same period unless they pose a risk to road users or could damage the environment in which case the Council will remove them in the best interests of all road users.
- 5.3 The Council strongly discourages the placing of any items where to do so would put an individual in any danger, for example alongside a high speed road or motorway or on a roundabout with multiple lanes of traffic. We reserve the right to remove any tribute if either the object or the location poses a risk of injury.
- 5.4 Memorials representing any faith will be treated in line with the policy. The Council reserves the right to remove memorials that could be perceived as offensive to groups or individuals.
- 5.5 Permanent roadside memorials (any object which is affixed to the highway) are unfortunately not permitted and will be removed.
- 5.6 Where memorials are removed, they will be retained at either Robin Hood or Woodlands Cemetery for not less than six weeks for collection by the family of the deceased. Where possible the families of the deceased will be notified of the removal of tributes via the police family liaison officer
- 5.7 Additional tributes placed later to mark significant anniversaries are unfortunately not permitted and families will be offered support in identifying suitable permanent locations for tributes and memorials. These may be within the Council's cemeteries, parks or open spaces and may take the shape of trees, benches, bulbs, plaques etc.
- 5.8 Additionally, the Council will provide a dedicated memorial area within both Robin Hood and Woodlands cemeteries, to provide safe, tranquil places to remember in peace loved ones whose lives have been lost on our roads.

6. Scrutiny

- 6.1 Not applicable

7. Implications

- 7.1 **Policy/Strategy Implications** This policy supports the Solihull strategic objective of delivering the best possible outcome for customers in terms of cost, quality and fitness for purpose within the resources available.
- 7.2 **Meeting the duty to involve** Solihull Bereavement Service; Solihull Community Safety Officer, Cruse Bereavement Awareness Service; the Equality and Diversity Officer for the Places Directorate, the West Midlands Police; Highway Services; Environmental Management and the Road Safety team have all been involved in the production of this report.
- 7.3 **Financial Implications** It is considered that the policy will lead to a reduction in

staffing costs in liaising between residents and families where long term roadside tributes have caused concern and become a source of dispute. The creation of two small dedicated memorial areas within cemeteries, for those who have lost their lives on the highway, will be part funded by bereavement services from existing revenue budgets, with an additional sum of £1,500 being made available from Neighbourhood Management Project budgets to fund a small dedicated memorial.

- 7.4 **Legal implications** - The provisions of the Highways Act 1980 Section; the Traffic Signs Regulations and General Directions 2002.
- 7.5 **Risk Implications** This policy intends to limit the level of risk which could arise for road users as a result of the erection of roadside memorials.
- 7.6 **Fair Treatment Assessment** - The aims of the public sector equality duty have been considered in the writing of this report. The policy will help support us in advancing equality of opportunity for people of different religious backgrounds as it will ensure that regardless of the religious nature of memorials these will be treated in a consistent manner. By providing a policy framework in relation to the management and removal of roadside memorials we reduce the risk of being challenged for unlawful discrimination. Having a formal policy should help foster good relations between people of different backgrounds as it will provide a firm steer on when roadside memorials will and won't be allowed, rather than creating tensions between the bereaved and local communities.
- 7.7 **Carbon Management/Environmental** The Policy has no direct measurable impact on carbon management, although arguably roadside memorials could cause some change in driver behaviour, such as slowing down then speeding up, which could create a small change in emissions.
- 7.8 **Partner Organisations** Partners mentioned at 7.2 above have been consulted in the preparation of this report.
- 7.9 **Safeguarding/Corporate Parenting Implications** None as a direct result of this report.
- 7.10 **Customer Impact** This report has a significant impact on customers, both those who have been bereaved and may gain comfort from a roadside memorial; and for local residents and those who travel within the borough. This report attempts to balance the needs of those customers and to provide a clear and consistent framework as set out above.
- 7.11 **Other implications** None identified.

8. List of Appendices Referred to

- 8.1 None

9. Background Papers Used to Compile this Report

- 9.1 North Warwickshire Borough Council - Roadside Memorials and Floral Tributes Information
- 9.2 Wolverhampton Council Roadside Memorials & Floral Tributes Policy
- 9.3 Surrey County Council policy and good practice – Roadside Memorials

- 9.4 Thurrock Council – Roadside Memorials and Floral Tributes Policy
- 9.5 Gloucester City Council – Roadside Memorials – webpage
- 9.6 Hampshire County council – roadside memorials Policy
- 9.7 Bridgend County Borough Council - Environment Report to Cabinet – Roadside Memorials and Floral Tributes Policy
- 9.8 Bolton Council – Roadside Memorial Tributes Policy.