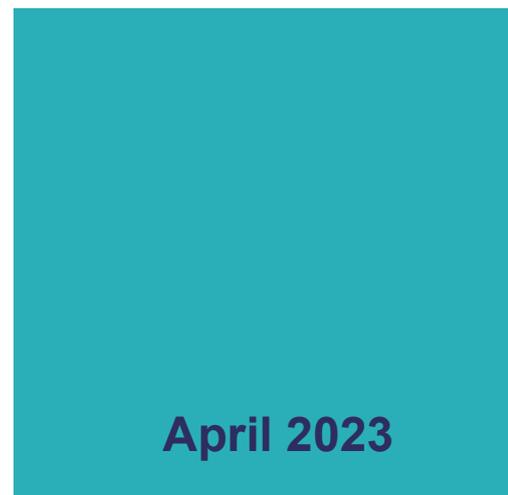




Highway Memorials Policy



Traffic & Highways

Highway Memorials Policy

Version	Date	Author	Rationale
1.0	23/01/2021	Sharon Harrington	New policy, replacing any previous policy in relation to highway memorials
1.1	26/04/2022	Spencer Gray	Annual review and updates
1.2	17/04/2023	Spencer Gray	Review and update to new corporate look.

Authorised by			
Name	Date	Item	Ref
Cabinet	14/01/2021	738	Agenda for Cabinet on Thursday, 14th January, 2021, 2.00 pm (southend.gov.uk)
DA	24/05/2022	N/A	

Next review	Date
1	January 2022
2	April 2023
3	April 2026

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1. Introduction

Southend-on-Sea City Council's shared ambition to transform the city by 2050 is aligned to six themes, with related desired outcomes: -

- **Pride & joy** - By 2050 Southenders are fiercely proud of, and go out of their way, to champion what our city has to offer;
- **Safe & well** - By 2050 people in Southend-on-Sea feel safe in all aspects of their lives and are well enough to live fulfilling lives;
- **Active & involved** - By 2050 we have a thriving, active, and involved community that feel invested in our city;
- **Opportunity & prosperity** - By 2050 Southend-on-Sea is a successful city and we share our prosperity amongst all of our people;
- **Connected & smart** - By 2050 people can easily get in, out, and around our city and we have world class digital infrastructure.
- **Future ways of working** – is the framework for how we modernise our workforce in 2022 beyond. We will embrace new approaches, new ways of working and opportunities to become a modern council.

This highway memorials policy supports the more specific desired outcomes for each theme, including: -

- Our streets and public spaces are valued and support the mental and physical wellbeing of residents and visitors.
- People in all parts of the city feel safe and secure at all times.
- A range of initiatives help increase the capacity for communities to come together to enhance their neighbourhood and environment.
- We are leading the way in making public and private travel smart, clean and green.

2. Background

There is currently no national legislation that specifically deals with Roadside Memorials. However, where they are placed on the public highway they can be dealt with under section 149 of the Highways Act 1980.

This policy sets out how the Council will facilitate temporary roadside memorials and permanent tributes.

The Council recognises the sensitivities and feelings of those involved and has adopted this policy with a view to formalising our approach and ensuring it can support the community.

3. Key Issues

The Council has a difficult balance to strike; on the one hand its duty as Highway Authority to ensure the safe and efficient use of the road network, and on the other facilitating expressions of memorial and tributes following the loss of a loved one.

Where tributes are placed at the roadside, 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.

Temporary memorials should also be placed away from locations that are particularly hazardous to access, such as the central reservations of dual carriageways or the central island of busy roundabouts.

The Council is committed through this policy to achieving a fair and compassionate approach, ensuring that we work with those involved to ensure their wishes are met, and the impact on the wider community is mitigated.

4. Temporary Roadside Memorials

The Council will facilitate a temporary roadside memorial provided that it does not create a hazard to other highway users and can be accessed or maintained at a safe working distances from the carriageway.

Criteria

A temporary roadside memorial includes tributes placed along the footway or verge of a highway and consisting of: -

- Floral tribute;
- Photographs, Cards Soft Toys;
- Any lit candles or lights must always be attended, care must be taken to minimise the risk of fire or injury, particularly to children.

The layout of the temporary memorial should be such that it can be accessed or maintained without the need to stand on the kerb edge or in the carriageway or cycle lane.

Nothing should be attached or secured to any highway infrastructure which provides for the safe use of the road network, for example traffic signals, guardrails or obscuring other road signage.

A temporary roadside memorial will remain in place for up to 8 weeks, unless the Council receives a request from the family affected to remove it sooner.

In circumstances where the police are actively seeking witnesses to an incident, the Council is aware the presence of a temporary roadside memorial could help to attract interest from potential witnesses, therefore if police signage remains in place, the temporary roadside memorial can remain until the police signage is removed.

Any floral tributes which have degraded will be disposed of immediately. Any other tributes will be retained by the Council for up to 2 months, to enable the family to decide what, if anything they would like to retain. If there is no communication after 2 months, anything remaining will be destroyed.

Anniversary Tributes

In these circumstances, temporary roadside memorials will be subject to the same conditions as above but will be removed after 14 days.

Communications

The Council is aware that those affected by the loss of a loved one must be treated with sensitivity, and not be subject to unnecessary bureaucracy. To this end, the Council will ensure so far as is possible, that any communication with families or groups associated with temporary roadside memorials is undertaken through the police liaison officer.

Urgent Responses

Where there is an immediate danger to road users, the Council or Police may be forced to intervene without notice to remove or relocate a temporary roadside memorial.

Where a memorial requires the closure or restriction of a road, this will usually be facilitated by the police, however, where a planned event is to go ahead, this must be notified to the Police Liaison Officer who will work with the Council to understand what further measures or input may be required.

5. Permanent Tributes

Permanent memorials of any kind are not permitted on any part of the public highway (which may include verges, driveways and footways) without the permission of the Council. Any memorials which appear to be permanent structures without permission will be removed without notice on safety grounds.

This includes the placing of small memorial signs saying 'remember me' to mark road collision fatalities, as promoted by Road Peace. The signs have no official sanction with the Department for Transport (DfT) and hence there is no current legislation or guidance for the Council to approve the placing of these on street furniture.

In most cases, applications for permanent tributes will be considered for parks, gardens or other open spaces away from the public highway. The Council is aware that there are sometimes exceptional circumstances whereby a specific location on the public highway may be of importance to the tribute.

In all cases the individual or group requesting the permanent tribute must submit in writing an application to the Council which sets out the requested item, its design specifications and preferred location. An applicant must also include the likely impact on the use of the road network and any residents or businesses which may be affected. You can email your application to: council@southend.gov.uk please subject the email as: Permanent Memorial – FAO Highways Department.

The Council will then consider each application on a case by case basis.

6. Exceptional Actions

The Council is aware that in certain circumstances, it may be asked to act outside of this policy to respond to community concerns. In such cases, the Council will work with the police liaison officer and/or the individual or group responsible for the memorial or tribute on any decision taken and the reason for it.

7. Funding

Under normal circumstances, the Council will not be responsible for funding any temporary or permanent memorials or tributes.

The Council will cover the costs of removal, storage and disposal of temporary roadside memorials, and the maintenance of permanent tributes for up to ten years, after which it may be removed or replaced as required.

8. Liability

The Council accepts no responsibility for any injury, damage or loss associated with any temporary roadside memorials. Permanent tributes accepted by the Council will be maintained by them, and the responsibility for the maintenance included in the Highways Asset Management Plan.

9. Policy Review

This policy is a living document and will be reviewed and updated if/when statute or national standards or best practice requires it. This policy will be reviewed after 12 months of operation and then every 3 years thereafter.

Review Summary

Version	When Reviewed	Summary of Changes Made
V1.0	April 2022	Section 2: added a paragraph giving legislative details Section 3: reworded to advise about hazards when placing a memorial Section 5: reworded giving more detail about permanent memorials Throughout: minor text amendments and update to city status
V1.1	April 2023	Overall: Update to the new corporate identity

