

**Derbyshire County Council**

**Cabinet Meeting**

**10 March 2009**

Report of the Strategic Director – Environmental Services

**Policy on Roadside Tributes and Memorials (Environmental Services and Community Safety)**

(1) **Purpose of Report** To update Cabinet on the public consultation on a draft policy statement on Roadside Tributes and Memorials and to recommend a way forward.

(2) **Information and Analysis**

Background

On 5 February 2008, Cabinet considered a draft policy statement on roadside tributes and memorials as a basis for consultation (Appendix 1). It was recognised that this was a sensitive subject and it was thought appropriate to seek a wider range of views before considering the matter further.

The draft policy suggested that:

- Police family liaison officers would facilitate a visit to the site of a fatal collision if requested to do so by the bereaved friends and family. They would ensure that the visit took place in safety and that any tributes were placed in a safe position, avoiding, for example, roundabouts and the central reservation of a dual carriageway.
- Tributes can be left for a period of 12 weeks. After this time the site would be cleared by the Council and items kept for the families to collect.
- Permanent memorials would not be allowed at the roadside in view of potential road safety implications.

Consultation

The details of the draft policy were widely disseminated through the website, a press release, an article in Insight, and by direct mailing to organisations with

a potential interest in the issue. It also attracted the attention of regional TV and local radio stations. A total of 145 responses were received from individuals and organisations, half of which were in the form of completed questionnaires. While these do not necessarily provide a true cross section of the wider community, it was helpful to receive a number of responses from people who had direct or relevant experience of the issues including bereaved families, representatives of the churches, funeral directors, a bereavement care organisation and other highway authorities. These provided a wide range of different views and suggestions and it is not thought that further general consultation would add significantly to the Authority's understanding of the issues.

A copy of the questionnaire, a summary of the quantified results and a schedule listing the various comments received will be available at the meeting.

### Consultation findings

#### (a) Overall views

Analysis of the questionnaires showed that around 85% of those responding 'agreed' or 'strongly agreed' with the overall policy, with about 15% saying that they 'disagreed' or 'strongly disagreed' with the policy. Analysis of the written comments is less straightforward, but broadly speaking 60% of these supported the broad thrust of the proposals with 20% opposed and the remaining 20% making other comments, for example, about the practical operation of the policy or the suitability of different items that could be left at the roadside.

The issue clearly raises strong feelings both for and against. Those who felt there should be some restriction on roadside memorials generally considered that a cemetery or crematorium was a more appropriate place for a memorial. They felt that roadside tributes were a potential distraction to motorists, that they endangered the safety of those visiting the site and that the effect of wind and rain meant that tributes soon became unsightly. Others, some of whom had had some personal involvement in a fatal collision, expressed the view that they did not want a constant reminder of what had been a very tragic incident.

Those opposed to the draft policy held equally strong views. They argued that memorials should not be seen as a distraction, any more than, say, 'For Sale' signs. On the contrary, they saw such memorials as a useful reminder to drive safely. They also argued that the Council should not interfere with what is essentially a private matter and that people should be left to express their grief in whatever way they choose.

(b) Time limit

Respondents to the questionnaire were asked for their views on the proposed 12 week time limit for temporary memorials. Some 59% thought the period was 'about right', 27% thought it was too long and 14% thought it was 'too short'. The latter were mainly people who thought there should be no time limit at all rather than advocating a longer period.

(c) Permanent memorials

This was the most widely supported aspect of the policy with over 90% of the respondents supporting the suggestion that permanent memorials should not be allowed at the roadside. The general support was also reflected in the comments submitted by letter or email with many respondents saying that they felt a cemetery or crematorium was a more appropriate place for such a memorial.

Some suggested that roadside planting of perhaps a few bulbs or a small shrub would be a good compromise while others suggested some form of countywide memorial should be considered, for example planting a small area of woodland in memory of all victims of road traffic collisions. Supporters of the road safety charity Roadpeace argued that the small 'Remember me' posters produced by the charity should be allowed. Their view is that these do not distract drivers but bring some comfort to bereaved families.

(d) Views to be considered

There was a general consensus that road safety considerations should be taken into account (96%) with only marginally less agreement that the needs of the bereaved family (90%) and local residents (84%) should also be considered. Other suggestions included taking account of the views of farmers, horse riders and other road users.

(e) Anniversary visits

Views on anniversary visits generally reflected overall views on the policy with some 78% of respondents to the questionnaire stating that they 'agreed' or 'strongly agreed' with the suggestion that no provision should be made for such visits.

Officer views

It has always been recognised that this is a sensitive issue, but the consultation seems to suggest that the balance of the draft policy is about right and, on this basis, there would not seem to be a case for fundamentally altering the draft policy. Indeed, it is encouraging that a number of

respondents commented that they were pleased that the Council was taking a lead on what was widely regarded as a difficult issue.

There are, however, a number of points that have emerged from the consultation that could be usefully incorporated in the policy. These include:

- Clarification that the policy is not intended to apply to war memorials or memorials of a similar long-standing nature.
- Further confirmation of the intention to deal with existing memorials that pre-date the adoption of a formal policy in a sensitive manner in close co-operation with bereaved friends and families. While the aim will be to bring such sites into line with the overall policy it is suggested that a pragmatic approach should be adopted particularly in the case of long standing sites that are regularly visited by bereaved relatives. These will need to be considered on an individual basis taking into account, among other things, the nature and location of the memorial and the potential road safety implications.
- Emphasising that 12 weeks is a maximum period for temporary memorials and recognising that, where it is acceptable to the families, a shorter period may be more appropriate.
- Pointing to the benefits of leaving flowers without wrappings so that they are less likely to be a hazard to other road users and can be more readily composted.
- Where appropriate use of the terms 'collision' or 'crash' in preference to 'accident'.
- The importance of appropriately and sensitively worded guidance.
- The need for effective means of dissemination to ensure that it is readily available when the need arises.
- The need for effective liaison with District/Borough Councils and adjoining highway authorities.
- Clarification that the policy is only intended to apply to local authority roads and not to motorways and trunk roads that are the responsibility of the Government's Highways Agency and give rise to different issues.
- Acknowledgement that in certain cases and by special arrangement it may be necessary to keep items removed from the site for longer than three months. For example, if the family are not local and cannot readily travel to Derbyshire.

Views were divided on whether roadside memorials constituted a road safety hazard. Some saw them as a distraction to motorists while others saw them as a potentially helpful reminder to drive more carefully. While this point could be debated at length, it is considered that the Council is right to be concerned that some roadside tributes have at least the potential to distract motorists. Similarly it is not unreasonable to think that there are potential risks, including parking, associated with visits to the site by friends and families, some of whom may be in a distressed state of mind. The risks will be greater in locations where there is no pavement and there are high volumes of fast moving traffic.

A further concern that emerged from the consultation was about the effects of wind and rain on memorials and tributes left at the roadside. A number of respondents felt that these items deteriorated quite rapidly making the site unsightly and some commented that they felt that in this deteriorated state the memorials did not show the appropriate respect to the person who had lost their life. These concerns would seem to support the view put forward in the draft policy that memorials should only be allowed for a temporary period.

Several people commented on the types of material and items that should be left at the roadside, with various suggestions about what should and what should not be allowed. Some suggested that only bulbs or other suitable planting should be allowed and there was a strong argument put forward to allow small commemorative plaques. While it may be tempting to consider permitting these more 'low key' memorials they may still give rise to safety concerns about visits to the site. These tributes are highly personal and it is questionable whether the Council should be in a position of telling bereaved families precisely what can and cannot be provided. On balance, it is thought that a simple and easily understood policy of allowing memorials for a stated maximum period of time is a preferable solution.

Memorials on private land adjacent to the highway are not covered by this policy, however, it should be noted that they may give rise to similar concerns, particularly about visits to the site. They would, of course, require approval of the landowner and in some circumstances may be subject to planning and other controls. It is suggested that some reference to this could be usefully included in the re-drafted policy.

The possibility of establishing some form of countywide memorial has been raised as part of the consultation and in subsequent discussions. One possibility would be the establishment of a small area of woodland dedicated to the memory of those who had lost their lives on Derbyshire's roads. A number of issues would need to be considered including the identification of suitable land, the convenience and ease of access and practical considerations about the arrangements that would need to be made. It is

suggested that this should be investigated further and if appropriate reports should be submitted for consideration by the Cabinet Members for Environmental Services and Community Safety.

In considering the Authority's response to the consultation, discussions have taken place with representatives of the road safety charity, Roadpeace. The Authority already works closely with Roadpeace in supporting the annual Oakleaf Remembrance Service and they have offered to provide advice, for example, on the drafting of guidance for the new policy. While the use of Roadpeace's 'Remember Me' posters at sites of fatal collisions would be inconsistent with the proposed policy, it is thought that, with the agreement of the families, there may be safer locations where the posters could be readily seen by the public. It is therefore intended to explore opportunities for using the posters, possibly in association with the annual Remembrance Service, with Roadpeace.

#### Next steps

It is recommended that the policy should now be re-drafted to take into account the points emerging from the consultation as outlined in this report. It is suggested that the policy should be presented in the form of a clear and sensitively worded guide that could be made widely available to all affected parties and that the Cabinet Members for Environmental Services and Community Safety should be authorised to approve the final draft of the text.

Finally, this is an area where the Authority has not previously sought to pursue a formal policy and it is suggested that the operation of the policy should be reviewed after two years.

**(3) Financial Considerations** Any costs associated with the administration or implementation of the proposed policy can be met from existing budgets.

**(4) Environmental and Health Considerations** The draft policy is intended to provide clear guidance that will help ensure the proper management of the roadside environment.

**(5) Property Considerations** A suitable facility will be needed for the temporary storage of any property removed from the site. It is intended that this will be provided within the accommodation currently available to the Environmental Services Department.

In preparing this report the relevance of the following factors has been considered; legal, prevention of crime and disorder, equality of opportunity; and human resources and transport considerations.

(6) **Background Papers** A copy of the questionnaire, a summary of the quantified results and a schedule listing the comments received are held in Environmental Services Department.

(7) **Key Decision** No.

(8) **Officer Recommendations** That Cabinet:-

8.1 Notes the results of the consultation on the draft policy statement on Roadside Tributes and Memorials, as outlined in this report.

8.2 Agrees to adopt the draft policy subject to minor alterations, as outlined in the report.

8.3 Authorises the Cabinet Members for Environmental Services and Community Safety to agree the final wording of the policy.

8.4 Requests that the policy be published in a sensitively worded and accessible format.

8.5 Authorises the Cabinet Members for Environmental Services and Community Safety to consider any proposals for the establishment of a dedicated area of woodland or similar countywide memorial.

8.6 Welcomes the opportunity to work with the road safety charity Roadpeace on the development of this policy and other road safety initiatives.

8.7 Approves that the policy be reviewed after two years of operation.

Ian Stephenson

Strategic Director – Environmental Services



## Appendix 1

### Derbyshire County Council

#### Draft Policy on Roadside Memorials and Tributes

##### 1 Introduction

- 1.1 This draft policy statement outlines what is intended to be a sensitive but controlled approach to the management of roadside memorials and tributes on Derbyshire's roads. It draws heavily on the approach adopted by other highway authorities including, in particular, the policy recently adopted by West Sussex County Council. The Authority recognises that there are differing and sometimes strongly held views about this matter and in putting forward this draft policy it has sought to adopt an approach that seeks to take into account a diverse range of views and concerns.
- 1.2 The draft policy relates to all forms of memorial and tribute within what is termed 'highway limits'. This is the area of land for which the County Council is responsible and includes, for example, the pavement and grass verge adjacent to the main carriageway. The County Council is responsible for all public roads in Derbyshire except for the motorway and trunk roads such as the A38 and A50 which are the responsibility of the Government's Highways Agency. For safety reasons the Agency normally resists the provision of memorials on these roads.
- 1.3 It is recognised that many people can be affected by the tragic loss of someone close to them. Where the term 'family' is used in this policy statement this is intended to mean any close friend, partner or family member who has been bereaved, regardless of whether they are directly related to the person who has died.
- 1.4 The County Council is seeking the views and comments of all interested parties, which should be submitted to the County Council by 30 April 2008. These will be carefully considered and where appropriate, the policy will be revised before a decision is reached on the final form and content of this policy.

##### 2 Key Issues

- 2.1 The practice of laying floral tributes at the site of a fatal accident 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. At the same time there are those who believe that grieving should remain a private matter and any memorial or tribute should be at the graveside or garden of remembrance.

2.2 In some cases tributes include other items such as crosses, toys, scarves, and photographs. Whilst these tributes could be seen as a reminder to some road users of the need to drive with greater care others see them as a distraction or as an unwanted reminder of a tragedy.

2.3 This policy seeks to find an appropriate balance between these conflicting views. Clearly there is no ideal solution to this issue but, in offering a balanced response that caters for not only the needs of the victim's family and friends but also the wider community, it is hoped that the policy will be seen as fair and reasonable.

### **3 Draft policy**

3.1 Contact with bereaved families will at all times be made through the Police Family Liaison Officer who will be responsible for liaison between the highway authority, police colleagues and the bereaved family. The officer will be responsible for organising a visit to the site of the collision if requested to do so and will facilitate the safe laying of floral or other tributes.

3.2 It is proposed that as the local highway authority, the County Council will allow the temporary laying of floral or other tributes on the understanding that they will be removed within 12 weeks of the fatal accident. 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 busy roundabouts. Where a fatal accident site significantly affects specific properties, residents' views will be taken into account in determining where tributes should be placed. Any items that are considered to have an adverse effect on road safety may be removed at any time. In this event the Police Family Liaison Officer will be informed immediately, who will in turn liaise as appropriate with the bereaved family.

3.3 The County Council will not allow the laying of floral or other tributes after the twelve week period following the fatal crash and any remaining after this period will be removed. The County Council will not authorise permanent roadside memorials of any form, but family members or friends may wish to consider the

creation of longer term memorials or anniversary tributes at suitable locations away from the public highway. The planting of trees is a possible option, but if adjacent to the highway, anniversary gatherings or the laying of tributes would not be permitted.

#### **4 Application of the policy**

- 4.1 In allowing floral or other tributes to be placed at the scene of a fatal crash it is important to remember that all roads are a potential source of danger. Sites of road accidents may be particularly hazardous. The precise location of any tributes must take into account the layout of the road and local traffic conditions in order to minimise the risks to those placing or visiting the memorial and to avoid causing a hazardous distraction to other road users.
- 4.2 The County Council will remove all tributes from the site 12 weeks after the date of the fatal accident. Flowers or plants will be disposed of immediately, but any non-floral tributes will be stored in a safe place for a period of up to 3 months. The Family Liaison Officer will ensure that families are aware of these arrangements and will facilitate the collection from storage of any items that they may wish to retrieve. Any items that are not collected after 3 months will be disposed of.
- 4.3 The draft policy does not allow for anniversary tributes to be placed at the roadside and any tribute at the site of a previous collision will be removed in accordance with the details outlined above. Nor does the policy provide for anniversary or repeat visits to the site.
- 4.4 Tributes or memorials laid before the policy came into effect will be reviewed on an individual basis with the family concerned, where they can be identified, to bring such locations into line with this policy.

#### **5 Consultation**

Further copies of this draft policy can be downloaded from [www.derbyshire.gov.uk/roadsidememorials](http://www.derbyshire.gov.uk/roadsidememorials) or by writing to the address shown below, or by ringing Call Derbyshire on 08 456 058 058.

Written comments on the draft policy are invited from all interested parties by 30 April 2008. These should be sent by email to [roadsafety@derbyshire.gov.uk](mailto:roadsafety@derbyshire.gov.uk) or by post to:

Roadside Memorials  
Environmental Services Dept  
Derbyshire County Council  
County Hall  
Matlock  
DE4 3AG.