
Meeting: Traffic Management Committee
Date: 1 March 2011
Subject: Roadside Memorials
Report of: Basil Jackson, Assistant Director of Highways and Transport
Summary: The report provides the Traffic Management Committee with details of the proposed policy for controlling the rise in the placement at the roadside of temporary floral tributes or permanent memorials commemorating the victim(s) of a fatal road accident. The policy is designed to help officers and bereaved families during difficult and sensitive times.

Contact Officer: David Bowie, Head of Service, Traffic Management
Public/Exempt: Public
Wards Affected: All
Function of: Highways and Transport

CORPORATE IMPLICATIONS

Council Priorities:

The Council priorities affected by this paper are:

- creating safer communities

Financial:

None as part of this report

Legal:

None as part of this report

Risk Management:

There has been a lot of media interest, public concern and input from road safety professionals on the increasing frequency of the placing of floral tributes at the scene of a death on the road by bereaved relatives and friends. However, there are safety aspects to this practice which need to be managed while at the same time recognising the need for the bereaved to grieve over their loss. Some local authorities have developed policies which aim to restrict this practice with the subsequent risk that they are seen as insensitive and uncaring. The proposed policy is designed to ensure that Central Bedfordshire is not seen as one of those authorities.

Staffing (including Trades Unions):

None as a result of this report.

Equalities/Human Rights:

The proposed policy is designed to ensure that all who are bereaved as a result of a road accident have the opportunity to place a floral tribute and / or a permanent memorial, while at the same time allowing Central Bedfordshire Council and Bedfordshire Police to manage the ongoing consequences in a sensitive manner.

Community Development/Safety:

The Road Traffic Act was introduced to protect all users of the Highway network. The Act places a duty on local traffic authorities to ensure the expeditious and safe movement of both motorists and pedestrians. Any distractions to safe driving are generally discouraged but it is recognised that the placing of floral tributes and / or memorials can have a positive safety aspect in warning others of a dangerous location and can have a positive benefit in the development of a community if it brings that community closer together. However, the policy also allows the Council and the Police to work with the bereaved and the community to manage any dangerous locations by restricting access or relocating the tribute.

Sustainability:

None as a result of this report

RECOMMENDATION:

To approve the proposed Roadside Memorials Policy, thus enabling Central Bedfordshire to manage how floral tributes and permanent memorials are located and accessed in association with the bereaved and the Police.

Background

Policy context

- 1 The policy has been written to establish a level of control over a practice which has started to increase across Central Bedfordshire but which has implications for road safety. The practice of laying floral tributes can be beneficial in helping not only the close family but also friends and the wider community to grieve for the victims of road traffic accidents. They can also serve as a useful reminder of the need to drive with greater care but they can also be a reminder of something that some would prefer to forget.

- 2 Tributes, however, may hinder routine maintenance of the highway, such as grass cutting, and a key issue for the local authority is that the Highways Act 1980 makes no provision to license or permit memorials on the highway. For this reason there could be difficult insurance and liability claims to be addressed in the event of an injury resulting from an accident where a driver was either distracted by a memorial or collided with it.

- 3 Bedfordshire Police will be the primary point of contact with bereaved families and it is important that this policy is supported by the police and is manageable by them. To this end discussions have been held with them to begin to agree a protocol for implementing the policy.

Current Policy Structure

4. Currently Central Bedfordshire Council has no adopted Policy which covers roadside memorials.

Financial

5. There are no fees associated with this policy.

Appendices:

Appendix A – Policy Document

CENTRAL BEDFORDSHIRE COUNCIL

POLICY ON ROADSIDE MEMORIALS and TRIBUTES

Introduction

This policy statement is designed to provide for the sensitive but controlled management of roadside memorials and tributes on the roads of Central Bedfordshire. It has been developed following consultation with the emergency services, social services and locally elected representatives and aims to secure a consistent and practical approach to the issue.

This policy applies to the roads for which Central Bedfordshire Council is the highway authority and it does not apply to the Trunk Roads and Motorways managed by the Highway Agency which lie within our boundaries.

The practice of laying floral tributes at the site of a fatal road accident has in recent years become more common, and it is an important part of the grieving process for many, but the tributes have become more elaborate with items such as crosses, toys, candles, scarves and pictures being added. In addition some have become semi-permanent, or even permanent, with the area becoming a memorial to the person who died.

While Central Bedfordshire Council does not want to intrude upon the personal grief of the bereaved there are practical and often conflicting issues which have to be considered in relation to these memorials (temporary or permanent).

The presence of a tribute or memorial at the side of the road can be a distraction to passing drivers and therefore in itself create a risk of further accidents, although it could be seen as a warning of the possible dangers of that location. However, in focussing on the tribute the driver may miss the road sign warning him of the danger or be unaware that other drivers have slowed down to look at it. Quite often the tribute may be in a place where there is no previous road safety issue but, by its presence, it is initiating a problem.

The placing of the tribute at the exact accident site can in itself be a road safety issue as it may require parking and access to an area by pedestrians where there is no adequate safe facility, e.g the centre of a roundabout or on a central reservation. In addition the potential state of mind of the mourners may make them forget simple road safety rules with the potential for a further tragedy.

Semi-permanent or permanent memorials could be a factor in the ultimate severity of any further accidents which take place at the same location, if the materials in the memorial are likely to cause damage to vehicles or passengers.

The maintenance of verges is an important job which has to be done to ensure, among other things, that good visibility of road signs, the road layout and other vehicles is maintained. The placing of tributes on verges can therefore cause a problem when it becomes time to maintain the verge. While it is relatively easy to lift and replace some items,

fragile and larger items may be more difficult to deal with and may restrict the effectiveness of the maintenance.

There is therefore a balance which has to be found between recognising the importance of a roadside memorial or tribute in the grieving process and ensuring that the practical issues described above are considered. There is no ideal solution but it is hoped that the policy outlined below offers a balanced response to this sensitive topic.

It should be noted that contact with the bereaved family will always be made through the Police Family Liaison Officer who is responsible for liaison between Central Bedfordshire Council and its agents as the Highways Authority, police colleagues and the bereaved family.

Floral and other tributes

We will not set a time limit for the removal of floral and other tributes but will consider each location with respect to its implications for road safety and maintenance as discussed above.

If flowers or other items have completely decayed, to the extent that they have turned mouldy or are falling to pieces, then we will remove them after discussing with the bereaved through the Police Family Liaison Officer. This removal will not prohibit the bereaved from replacing the tribute with fresh items.

If the location where the tribute is to be placed has road safety issues then, in consultation with the family, a time may be set for a visit to the site supervised by police. In extreme cases traffic management or road closures may be required in the interests of safety. We would not charge for this provision.

In those cases where it is considered there is a need to remove or relocate tributes we will make approaches through the Police Family Liaison Officer to those laying the tributes to explain the situation and suggest alternatives. Where the person responsible for laying the tribute is unknown it may have to be removed by Bedfordshire Highways, though it may be replaced or relocated if the identity of the bereaved party becomes known.

Permanent Memorials

The concerns over the laying of floral tributes are also present with relation to roadside memorials but additionally they will encourage repeat visits by people over a period of time.

The majority of permanent memorials on the highway (including the verges, footpaths and pavements) will have some form of associated hazard and so they will only be allowed if they have no detrimental effect on road safety and do not affect the ability to carry out highway maintenance. In certain circumstances a bench or tree may be an acceptable alternative if a suitable location is available following discussion and agreement with Central Bedfordshire Council and Bedfordshire Police. However, where a tree is requested, the future size of the tree must be taken into account when a decision is made.

Where there is an existing suitable mounting a memorial plaque or sign (for example the Remember Me sign promoted by RoadPeace) may be placed.

We have no powers outside of the highway but there could still be distraction issues and anyone thinking of erecting a permanent memorial should consult with Central Bedfordshire Council and Bedfordshire Police.