

**Thurrock Council**

**Roadside Memorial and Floral Tribute  
Policy**

**2021**

# 1. Overview

This policy statement outlines what is intended to be a sensitive but controlled approach to the management of roadside memorials and tributes on the roads in Thurrock and on Council owned land. Thurrock recognises that there are differing and sometimes strongly held views about this matter and in putting forward this policy it has sought to adopt an approach that seeks to take into account a diverse range of views and concerns.

The policy relates to all forms of memorial and tribute within what is termed as 'highway limits'. This is the area of land for which the Council is responsible and includes, for example, the pavement and grass verge adjacent to the main carriageway. The Council is responsible for all public roads in Thurrock except for the motorway and trunk roads including sections of the A13 and A1089 which are the responsibility of the Government's Highways England. For safety reasons Highways England normally resists the provision of memorials on these roads.

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 it 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.

This document will be reviewed every five years and additional updates will be provided should legislation and guidance change.

# 2. Key Issues

The practice of laying floral tributes at the side of a fatal collision 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.

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.

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 balance 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.

## 2.1 Views in support of memorials

- the laying down of flowers can be an important part of the grieving process and people should be allowed to express their grief in this way.
- a memorial can act as a warning to road users of the possible dangers of the location.

## 2.2 Views against memorials

- a memorial can create a hazard, distracting passing motorists.
- the placement and maintenance of memorials can in itself involve a road safety risk.
- a religious memorial is best placed in a religious setting, e.g. a churchyard or cemetery.
- memorials, plaques or signs placed on the highway, on a wall or existing street furniture may add to clutter.
- there are insurance and liability issues in the event of an accident occurring as a result of a driver being distracted.
- a memorial may interfere with routine maintenance such as grass-cutting.
- a memorial can cause upset or distress to those residents that live in close proximity to it.

## 2.3 Other Factors

- the Highways Act 1980 has no express provision to license or permit memorials on the highway. Thurrock Council as the highway authority may remove, under Section 132 (subsection 2) of the Highways Act 1980, remove any picture, letter, sign or other mark which has, without either the consent of the authority or an authorisation given by, or under an enactment, been painted or otherwise inscribed or affixed upon the highway or upon any tree, structure or works or in the highway, and to enforce under this legislation is required.
- there are legal traffic signs specifically to warn of potential hazards.
- roadside memorials are a relatively recent development in the UK, there is no tradition or deep cultural reason supporting this practice.
- there is a difference between laying down flowers and creating a permanent memorial and the judgement as to what is a reasonable time for floral tributes can only be subjective.
- a bench or tree with a small dedication may be an acceptable permanent memorial as long as there are no road safety implications.
- the visual impact of memorials will be different in rural and urban locations
- there is a view that placing memorials on the highway is maudlin and unhealthy.

### **3. Application of the Policy**

Contact with bereaved families will at all times be made through the Police Family Liaison Officer who will be responsible for the liaison between Thurrock Council as the highway authority, police colleagues and the bereaved families. 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.

#### **3.1 Temporary Memorials (Floral Tributes)**

Thurrock as the local highway authority will allow the temporary laying of floral or other tributes on the understanding that they will be removed within 30 days of the fatal collision. 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. Any items that are considered to have an adverse effect of road safety may be removed at any time. In this event the Police Family Liaison Officers will be informed immediately, who will in turn liaise as appropriate with the bereaved family.

In allowing floral or other tributes to be placed at the scene of a fatal collision it is important to remember that all roads are a potential source of danger. Sites of road collisions 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.

Thurrock will remove all tributes from the site 30 days after the date of the fatal collision. Flowers and plants will be disposed of immediately after the 30 days have passed, 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.

The 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 within one week. Nor does the policy provide for anniversary and repeat visits to the site.

Should there be a requirement to carry out enforcement under the Highways Act, the Enforcement team will liaise with the Police Family Liaison officers to ensure that the enforcement process is followed tactfully and compassionately.

## **3.2 Permanent Memorials**

Permanent memorials on the highway are unnecessary additions to the street scene and as such cause clutter, distraction and could obstruct pedestrians or cause injury to road users in the event of a collision. In certain circumstances, a bench or tree (with small dedication) may be an acceptable alternative as a permanent memorial, if a suitable location is available. However, these must be agreed by us and the police, and they should have no detrimental effect on road safety nor affect the ability to carry out highway maintenance.

The above guidance is generally consistent with other policies adopted by other highway authorities, including the Highways England.

## **3.3 General**

Following consideration of the above guidance and the individual circumstances, we will make the final decision about any roadside memorials, in close liaison with Essex Police.