

EAST AYRSHIRE COUNCIL

DEVELOPMENT & PROPERTY SERVICES COMMITTEE – 5 OCTOBER 2004

ROADSIDE MEMORIALS AND FLORAL TRIBUTES

Report By Executive Director of Development & Property Services

1. PURPOSE OF REPORT

- 1.1 To request that the Committee adopt the new national guidelines produced by the Society of Chief Officers of Transportation in Scotland (SCOTS) for managing the placing of tributes and memorials at the scene of road death incidents by bereaved relatives in the interests of providing a consistent approach across Scotland.

2. BACKGROUND

- 2.1 The practice of placing floral tributes at the scene of a road death incident by bereaved relatives and friends is growing to the extent that it is now the norm. The next development of this trend is the placing of permanent roadside memorials and, while not yet prevalent, this practice is also on the increase.

2.2 Floral Tributes

2.2.1 While it is understandable that there is sometimes a need for bereaved relatives to visit the scene of an accident as part of the grieving process, there are serious road safety concerns over this practice. The locations of many road deaths, especially in rural situation, tend to be at places where it is not safe to stop and/or walk on the carriageway. The very act of placing a floral tribute at the scene therefore creates a potentially dangerous situation. Given the potential state of mind of the mourners in terms of grief, and the fact that their concentration is on their loss, the potential for a further tragedy becomes very real.

2.2.2 It would be difficult, hard-hearted and unenforceable to ban the placing of tributes. The way forward is therefore to try to manage the problem in a manner which will reduce the risk to a minimum, while satisfying the needs of the bereaved.

2.3 Roadside Memorials

2.3.1 The concerns over the laying of floral tributes are also present for roadside memorials but with the added problem that, by their very nature, they will encourage repeated visits by more people over a longer period of time. Permanent memorials may also create the problem of distracting drivers passing the scene, again at locations where they may require to have their full attention of the road ahead. This could lead to the potential for a further tragedy.

3. GUIDELINE PROPOSALS

3.1 Floral Tributes

- 3.1.1** The management of placing floral tributes should be organised and carried out by the police. In consultation with the family, a time may be set for a visit to the site, supervised by police as per the guidance provided to families by the Police Family Liaison Officer. Traffic management may be required with the traffic being stopped, or the road being closed for a short period of if necessary in the interests of safety. The roads authority should be sympathetic to such requests and it is considered that would be inappropriate to charge for the provision of any traffic management required in such circumstances. The Police Family Liaison Officer will ensure that where appropriate, all family and friends are informed of this arrangement and advised that this will be their best opportunity to pay tribute at the location. For particular locations which raise road safety concerns, they should be advised not to attend the location unaccompanied.
- 3.1.2** Floral tributes should be allowed to remain at the locus for a period or not less than 14 days, but generally not more than 30 days. The Roads Authority would then arrange for collection and disposal within that period.
- 3.1.3** Again, sensitivity must be shown, with the bereaved being given the option of receiving the non-floral tributes which may have been placed along with flowers.

3.2 Roadside Memorials

- 3.2.1** The practice of placing memorials by the roadside should be discouraged as a matter of principle. While some memorials may be very discreet and in a location where they will not create any problem, the majority of situations will have some form of potential hazard. The onus of deciding whether a situation was safe should not be placed on the roads authority, rather all instances should be treated equally. This should be communicated to the bereaved through the Police Family Liaison Officer.
- 3.2.2** It may be argued that a “green” memorial such as planting a tree or shrub will not cause the distraction of a fixed structure and will blend in with or enhance the environment. However, this type of memorial will still have the problem of repeat visits, possibly even more so than a man made memorial, since the plant will inevitably require pruning, feeding etc as well as visits on anniversaries and so on. It can also lead to visibility and structural problems when the plant grows, if it is inappropriate for the location. For these reasons, “green” memorials should also be discouraged.
- 3.2.4** While the roads authority using powers contained in the Roads Scotland Act (1984) can refuse to allow any form of “green” memorial within the road width, it has no powers outwith the road boundary so it is important that anyone making a request for a roadside memorial is advised of the reasons for refusal.

3.3 Police Involvement

3.3.1 Guidance for the Police Family Liaison Officers is contained within the police Road Death Investigation Manual and the Association of Chief Police Officers in Scotland (ACPOS) have agreed to incorporate the above notes within that document.

3.3.2 Police also distribute to bereaved families, literature produced by the Road Safety Charity BRAKE to help them deal with their grief. BRAKE have also agreed to consider incorporating the above guidelines in their literature when it is next reviewed.

4. POLICY IMPLICATIONS

4.1 In the interests of uniformity across Scotland, Council policy on the placing of roadside memorials and tributes should be in accordance with the guidelines.

5. LEGAL IMPLICATIONS

5.1 The Roads Scotland Acts (1984) empowers the Council to refuse any form of "green" memorial within the road boundary, however it has no powers outwith the road boundary.

6. FINANCIAL IMPLICATIONS

6.1 The cost of providing any road closures required to enable bereaved relatives to visit accident sites and the planting of bulbs as a memorial would require to be met from existing budgets, otherwise it would require to be reclaimed from bereaved relatives.

7. RECOMMENDATIONS

7.1 The Committee is asked to:

- i) adopt the new National Guidelines produced by SCOTS for managing the placing of tributes and memorials at the scene of a road death incident by bereaved relatives.

James Lavery
Executive Director of Development & Property Services
27 September 2004

LIST OF BACKGROUND PAPERS

Nil

For further information please contact Jim Kane on 01563 576310

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