

DRAFT Brighton & Hove Memorial and Public Art Memorials Policy

Introduction

This document is a policy to refer to for anyone considering installation of a memorial, to provide clarity about the kinds of proposals the Council wish to see, the quality of the proposal we require & to provide guidance through the application process. In addition, providing reference to relevant Bylaws relating to memorials and structures on council land.

The council recognises that memorials and public art memorials hold deep personal and community significance. They help us reflect on & remember significant figures that live or once lived in the city, commemorate important events, celebrate our diverse cultural heritage, and enhance our public realm.

Scope and Purpose

This policy covers:

- Memorials and commemorative plaques
- Public art installations for memorial purposes including the [Public Art Strategy 2022 to 2032](#) and [Public Art Planning advice note \(PAN10\)](#) (see cross over with BHCC Public Art guidance) [Public art commissioning toolkit](#)
- Donation trees and benches
- Commemorative gardens
- Temporary memorial installations and artwork.
- Historic Statues
- The policy applies to all public spaces under the Council's authority, including parks, open spaces, streets, and publicly accessible buildings. It does not apply to property/land in private ownership.

Core Principles

Compassionate Consideration

We commit to treating all memorial requests with empathy and respect, recognising that each application represents a meaningful connection to our communities' history and people whilst preserving and enhancing the character of the local area.

Inclusivity and Diversity

Proposals that reflect our communities' diverse cultural heritage and experiences. We particularly encourage memorials that recognise historically underrepresented groups and celebrate the variety of contributions that have shaped our city.



**Brighton & Hove
City Council**

NB: Public Art commissioning Toolkit:

**Hove Town Hall
Norton Road
Hove
BN3 3BQ**

'5.5 Memorials and Statues - The council welcomes new approaches by artists to the memorial and the monument. Government guidance on the removal of any objects or changes in name, states that these are now not possible without agreement from the DCMS.

See: <https://www.gov.uk/government/news/new-legal-protection-for-england-s-heritage>

Historic England has advice on how local authorities should make decisions on so-called 'contested heritage.' As they assert: 'Our stance on historic statues and sites which have become contested is to retain and explain them; to provide thoughtful, long lasting and powerful reinterpretation that responds to their contested history and tells the full story.'

A more appropriate and interesting way of memorialising, as opposed to a figurative statue, should be considered. The answer is not to install more statues, to 'balance out' representation, that kind of statue belongs to the past, to the pre-photographic / digital age. A more contemporary approach should be considered.'

Quality and Sustainability

All approved installations must be of high quality, respect and enhance existing landscapes and streetscapes. They will be designed to enrich the vibrant and diverse feel for which Brighton & Hove is known. They will be sustainable to maintain, constructed from durable materials that are coastally resilient, sympathetic to the local area & to a standard that will withstand the municipal environment.

By commissioning experienced artists that have an established reputation for producing quality work and by using an experienced panel to participate in the selection process, can enhance the quality of the proposal. It is worth considering employing qualified architect or landscape architect as their professional judgement may enhance an application. There may be exceptions to this for short term, temporary installations.

Legal Frameworks

Landlord's permission -

Borough of Hove

BYELAWS RELATING TO PUBLIC WALKS AND PLEASURE GROUNDS

20 A person shall not in the Pleasure Ground:

(i) except as hereinafter provided erect any post, rail, fence, pole, tent, booth, stand, building or other structure: Provided that this prohibition shall not apply where upon as application to the council they grant permission to erect any post, rail, fence, pole, tent, booth, stand, building or other structure, upon such occasion and for such purpose as are specified in the application

FOR EVENTS AND FILMING IN ASSOCIATION WITH MEMORIALS PLEASE SEE [Events and filming](#)



Brighton & Hove City Council

Alternatives to a memorial

There could be opportunities for a wide variety of temporary & permanent memorial public art works in the city. There are a variety of media that could be considered – lighting, two dimensional artworks, banners, custom scaffold covers, in a variety of places such as schools, colleges, hospital facilities, facades, libraries, community centres. Permission from landowners must be always sought and additional licences where scaffold is placed on the highway. Contact our Culture and Creative Industries team in the first instance to discuss options Arts@brighton-hove.gov.uk

Donation

Donation Schemes. The Council accepts donations for benches & trees.

Benches – A choice of site options for new benches will be available for the opportunity to donate a bench & an option of a plaque. This bench will be in place for a minimum of 5 years. Popular sites can be at capacity. Existing benches will not be adopted, meaning no new plaques on existing benches. Wording on bench plaques need to be approved by the council to ensure they are appropriate.

Benches should be kept clear of paraphernalia so as not to obstruct public from sitting on the benches. Any items restricting the use will be removed immediately.

Benches placed on the highway need to be of a suitable design and the location needs to be agreed before any approval is given. Maintenance costs need to be considered.

Trees

There is opportunity to donate a tree.

Through the Tree Trust Fund you can donate:

- the full cost of planting a specific tree (parks)
- an amount of your choice towards the city's tree planting

There is a choice of site & species. **Popular sites can be at capacity.**

Application window until 30th of September, planting takes place between November – March.

If we receive a request after 30th September, the request will be logged for the following planting season.

We only plant trees sourced from our own suppliers due to biosecurity measures and preventing risk of further infection in the city's tree scape.

We do not permit memorial plaques, or the scattering of ashes around any donation planting – cremation ash contains high PH and salt levels and can be harmful to the tree and surrounding environment.

The donor can be involved in the planting of your tree. We offer a time slot during the planting season to attend.

[Plant a commemorative tree with the Tree Trust](#)

Hove Town Hall
Norton Road
Hove
BN3 3BQ

Plant Donations

We do not accept plant donations or have memorial plantings in Parks & Open Spaces. We only source from our own plant suppliers due to biosecurity measures, toxicity of plants & seeds and to prevent risk of pest & disease spread.

Planting is carefully designed for the environment in parks & open spaces. An amount of your choice could be donated to a mandated project toward funding plant costs.

See Bereavement Services for memorial planting options in our city cemeteries.

Memorials

Funding

You should ensure you have made arrangements for the ongoing maintenance of an artwork, statue or memorial.

If the artwork, statue or memorial is on council owned or managed land you are likely to be required to arrange funding to provide to the council for maintenance of the work in perpetuity.

If the work is on private land, you are likely to have to be required to provide a maintenance plan as part of planning permission. You may be required to enter a legal agreement (such as s106 Agreement or planning condition) to secure these measures.

Planning Permission

Planning Permission is not required for any temporary use of land including any associated temporary moveable structures for up to 28 days. The land in question cannot however be within the curtilage of a building (ie the immediate area surrounding/enclosing it).

Depending on the type, size and location, construction or installation of an artwork or memorial may constitute 'development' under the Town and Country Planning Act 1990 and therefore require planning permission. If advertisements form part of the proposal, they will require consent.

Artworks or memorials which are outside or which will materially alter the appearance of an area or building will usually require planning permission. They may sometimes be provided or funded through the Section 106 or CIL legal agreement or through a planning condition.

Where placed on the highway a highways licence may also be required.

We would encourage you to contact the council's Planning Team who can advise whether planning permission is likely to be required for your installation:

planning.applications@brighton-hove.gov.uk

If planning permission is required, the council offers a paid-for pre-application service if you wish to obtain a view as to the likelihood of permission being granted:

[Pre-application planning advice service](#)



Memorial Application Process

Initial Consultation

We encourage applicants to contact us early in their planning process. A council officer in city parks or highways team, depending on the memorial location, will be able to provide guidance and support throughout the application journey.

Application Requirements

- Detailed proposal including design, location, and materials
- Funding arrangements (including ongoing repair and maintenance)
- Evidence of community support through significant consultation:
 - Documentation of support from community leaders, local residents, organisations, evidencing community meetings & running focus groups
- Maintenance plan with named responsible persons and how they will be involved.
- Permission from relevant stakeholders including next of kin where applicable

Planning

Where relevant a full planning application will need to be submitted to the planning department.

Review Timeline

We commit to reviewing applications within 8 weeks and providing clear feedback on decisions.

Assessment Criteria

Location Considerations & Planning Policies

- Historical and cultural significance of the proposed location
- Impact on existing landscape and usage
- Accessibility and public safety
- Environmental factors
- Saturation of existing memorials in the area - In some areas of high concentration further development of memorials could have a negative impact in the location. In other areas more development could enhance the park or open space
- Brighton & Hove's existing planning policies & local development framework will apply to all proposals
- Compatible with community cohesion frameworks

The Twenty-Year Principle

For memorials commemorating individuals or events, we observe a 20-year waiting period to allow for historical perspective. However, we recognize there may be exceptional circumstances warranting earlier consideration, which will be evaluated case-by-case with community input.



We understand the immediate need to commemorate recent events or losses; this is an understandable reaction. A peaceful gathering of people on public land is an appropriate way to mourn & honour those that have passed.

The laying of flowers will be accepted for up to 14 days or when at capacity or beyond a health & safety tolerance. These will be quietly removed and recycled afterwards.

Any infrastructure placed on council land (or trees or lamppost of any other infrastructure) without permission will be removed immediately such as, (but not limited to) tables, vases, trinkets, stones, vases, gazebos, books, ribbons.

Items considered by senior executives to be political, divisive or offensive will be removed immediately.

Ashes, graves, memorial signage or plaques cannot be placed within public parks or open spaces. (except plaques on approved sponsored benches)

For larger gatherings above 100 people it is recommended to contact the Events Team and Sussex Police as early as possible.

[Organising an event on council land](#)

Unsanctioned memorials will be removed immediately and all restrictions noted above in the Legal Frameworks section apply.

Community Safety and Accessibility

Community cohesion will always be of paramount importance for all sanctioned memorials in public spaces. On considering whether a memorial is granted permission, relevant staff will liaise with Ward Councillors to ensure memorials are proportionate and appropriate.

Design Requirements

- All installations must be accessible
- Designs should consider public safety and minimise opportunities for vandalism
- Materials should be weather-resistant and appropriate for the local environment considering for health and safety risks

Location Assessment

Each proposed location will be evaluated for:

- Public safety considerations
- Potential impact on different users of the location
- Accessibility requirements
- Environmental factors
- Cultural and historical significance and appropriateness

Maintenance and Long-term Care

Responsibilities

The application will require a responsible person that represents the group.

The responsible person would have to ensure:

- Regular maintenance and cleaning
- Repairs and restoration
- Replacement if necessary
- Insurance requirements
- Future relocation or removal if required

If the responsible person does not adhere to these requirements they will be contacted given a notice & a date to comply, if this is not observed the memorial will be removed.

Funding

Applicants must have the following costs covered:

- Installation costs
- Maintenance including responsible person/body
- Insurance arrangements where applicable

Memorial Application Decisions

All decisions will be communicated in writing with clear explanations. If an application is declined, we will:

- Provide detailed reasons for the decision
- Suggest alternative options where appropriate
- Outline the appeals process

Appeals Process

Applicants may appeal decisions within 28 days. Appeals will be reviewed by an independent panel including community representatives.

Support and Guidance

We are committed to supporting applicants throughout the process. Our staff can:

- Provide pre-application advice
- Help identify suitable locations
- Suggest appropriate materials and designs
- Connect applicants with qualified artists and craftspeople
- Assist with community consultation



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**Hove Town Hall
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Contact Information

cityparks@brighton-hove.gov.uk

Regular Review

This policy will be reviewed every three years with input from community stakeholders to ensure it continues to meet community needs while maintaining high standards for our public spaces.