

BRIGHTON & HOVE

Memorials and Public Art Memorials Policy

Revised draft for scrutiny

Place Overview & Scrutiny Committee | 8 September 2026

Purpose of this revision

This draft incorporates the changes identified following internal review, the March scrutiny discussion and subsequent member feedback. It extends the temporary tribute period to 28 days, clarifies the permission and removal process, integrates roadside memorial arrangements, strengthens signposting and sets out governance for exceptional and politically sensitive decisions.

Document status	Draft for scrutiny
Policy owner	Brighton & Hove City Council
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Review cycle	Every three years, or earlier where legislation or operational learning requires

1. Introduction

This policy provides a clear and compassionate framework for anyone considering a memorial or public art memorial in Brighton & Hove. It explains the types of proposal the council wishes to support, the standards expected, the application and decision process, and the circumstances in which temporary tributes may be managed or removed.

The council recognises that memorials have deep personal and community significance. They can help people remember individuals, commemorate important events, celebrate the city's diverse cultural heritage and enhance the public realm. Decisions will balance these purposes with public safety, accessibility, community cohesion, environmental protection, maintenance and the fair use of public space.

2. Scope and purpose

This policy applies to public spaces and publicly accessible buildings under the council's ownership, management or control. It does not apply to privately owned land, although separate planning or licensing requirements may apply to proposals on private land.

- Memorials and commemorative plaques
- Public art installations created for memorial purposes
- Donation benches and commemorative trees
- Commemorative gardens
- Temporary and spontaneous memorial tributes
- Roadside memorials and collision-site tributes
- Historic statues and other permanent memorials in the public realm

Important distinction

This policy governs the creation, approval, management and maintenance of memorials. A proposal to remove, relocate or materially reinterpret an existing permanent memorial because it has become contested is not a routine officer decision and must be escalated through the council's political and legal governance arrangements.

3. Core principles

Compassionate consideration

Requests and spontaneous acts of remembrance will be handled sensitively and respectfully, recognising that they often arise during periods of grief and distress.

Inclusivity and diversity

The council welcomes proposals that reflect the city's diverse cultural heritage and experiences, including recognition of historically underrepresented communities.

Quality and sustainability

Permanent installations must be of high quality, appropriate to their setting, durable in a coastal environment and supported by realistic arrangements for maintenance, repair and eventual removal where necessary.

Accessibility, safety and shared use

Memorials must not create unacceptable risks, obstruct access, prevent the ordinary use of public space or adversely affect the rights and needs of other users.

Proportionate and accountable decisions

Operational decisions will be made by the relevant service. Exceptional, controversial or strategically significant matters will be escalated to an appropriately accountable decision-maker.

4. Permanent memorials and public art memorials

4.1 Early discussion

Applicants should contact the council at an early stage. The lead service will depend on the proposed location and type of memorial. Officers will identify land ownership, relevant permissions, likely planning or highway requirements, consultation expectations and maintenance obligations.

4.2 Application requirements

- A detailed proposal describing the purpose, design, dimensions, materials and proposed location
- Evidence of funding for design, installation, maintenance, repair and, where appropriate, future removal
- A maintenance plan identifying the responsible person or organisation
- Evidence of appropriate community and stakeholder support
- Permission from relevant stakeholders, including next of kin where appropriate
- An accessibility, public safety and environmental assessment proportionate to the proposal
- Any planning, landlord, highway, heritage, licensing or other consent required

Consultation requirement

The council will determine the appropriate scope and method of consultation for each permanent memorial proposal, having regard to its location, scale, significance and likely community interest. Consultation arrangements will not be determined solely by the applicant.

4.3 Assessment criteria

- Historical, cultural or civic significance
- Suitability and significance of the proposed location
- Impact on the landscape, streetscape, heritage assets and existing uses
- Accessibility, equality, public safety and community cohesion
- Environmental impact and coastal resilience
- The number and concentration of existing memorials in the area
- Quality and contemporary relevance of the design
- Whole-life maintenance, repair, insurance and removal arrangements
- Compliance with planning policy and other legal or regulatory requirements

4.4 The twenty-year principle

For a new permanent memorial commemorating an individual or event, the council will normally observe a 20-year waiting period. This allows time for historical perspective and supports consistent decision-making.

Earlier consideration may be appropriate where an event is of exceptional or historically significant importance to the city, for example a major civic or public-health event. Any request for an exception must include evidence of significance, community support, location suitability and long-term funding.

Governance point for final confirmation

An exception to the twenty-year principle, or an appeal relating specifically to that principle, will require a politically accountable executive decision. The precise route must be confirmed in the covering committee report and final version of the policy following legal and governance advice.

4.5 Decisions and appeals

Decisions will be communicated in writing with reasons. Where an application is declined, the council will identify any suitable alternative options and explain the applicable review or appeal route. Appeals should be submitted within 28 days of the decision. The route will reflect the legal status and significance of the decision; exceptional applications engaging the twenty-year principle will follow the governance route described above.

5. Temporary and spontaneous memorial tributes**5.1 No prior approval for a spontaneous tribute**

A small, peaceful and spontaneous display of flowers or similar temporary tributes on council land does not require advance permission where it can be accommodated safely and is intended to remain for no longer than 28 days. This avoids placing an unnecessary administrative burden on people who may be grieving.

5.2 The 28-day period

Flowers and other suitable temporary tributes will normally be accepted for up to 28 days. The relevant service may remove items earlier where the display reaches capacity, creates a health and safety risk, obstructs access, damages council property or the environment, or causes another significant operational concern. Wherever practicable, items will be removed sensitively and recyclable material will be recycled.

5.3 Items requiring permission

Prior permission is required for any structure, installation or organised display, including tables, gazebos, barriers, lighting, amplified equipment, large containers, fixed signage, items attached to trees or street furniture, or any display intended to remain beyond 28 days. Events and larger gatherings may also require event, licensing, planning, highway or police liaison.

5.4 Immediate removal

The council may remove an item immediately where it:

- creates an immediate risk to public safety
- blocks a pavement, cycle lane, highway, entrance, emergency route or accessible route
- prevents the ordinary use of a bench or other public facility
- is fixed to a tree, statue, railing, lamppost or other asset without permission and creates risk or damage
- constitutes an unauthorised structure or substantial installation
- is unlawful, or its retention would expose the council to an immediate legal or operational risk

Where a display has potential public-order, protest, major-incident or community-cohesion implications, the responsible service will seek advice from appropriate council teams and external agencies before action is taken, unless an immediate safety response is required.

6. Roadside memorials and highway locations

Roadside and collision-site tributes are included within this policy. The council will recognise their sensitivity while ensuring that the highway remains safe and accessible.

- Flowers or suitable temporary tributes may remain for up to 28 days, subject to safety, access and capacity considerations.
- Items must not obstruct visibility, footways, crossings, cycle lanes, carriageways, signs, signals, railings or maintenance access.
- Nothing may be fixed to highway infrastructure without permission.
- The Highway Authority will determine whether a roadside display creates an unacceptable highway risk and whether a licence or other consent is required.
- Where practicable, sensitive communication will take place before removal, but immediate action may be taken where safety requires it.

7. Statues, historic memorials and contested heritage

Applications for new statues and permanent public art memorials will be assessed under this policy alongside relevant planning, public art and heritage guidance. Contemporary and non-figurative approaches to commemoration should be considered where they offer a stronger response to place, community and context.

Routine maintenance of an existing memorial remains an operational matter. A campaign or request to remove, relocate or materially reinterpret an existing permanent memorial because it is contested must be referred through political channels and be subject to legal, heritage, planning and public-law advice as appropriate. Officers must not treat such a request as routine maintenance or an ordinary temporary-memorial removal.

8. Donation benches, trees and cemetery alternatives

8.1 Benches

- The donation scheme applies to new benches at locations offered or agreed by the council.
- An approved plaque may be included on a new donated bench. New plaques will not be added to existing benches unless an expressly approved scheme provides otherwise.
- The design, location, wording, highway implications and maintenance costs must be agreed before approval.
- Benches must remain available for public use. Items that prevent their use may be removed immediately.

8.2 Trees and planting

- Tree donations are via the Tree Trust Fund. Applicants can apply for the full cost of planting a tree or an amount of your choosing towards the city's tree planting programme.
- Tree donations must use council-approved species, sites and suppliers to protect biosecurity and the wider environment.
- Application window until 30th of September, planting takes place between November – March.
- If a request is received after 30th September, the request will be logged for the following planting season.
- Trees proposed on the highway require site assessment, including consideration of underground equipment and whole-life maintenance.
- Memorial plaques and the scattering of ashes are not permitted around donation planting in parks and open spaces.

- Plant donations and informal memorial planting are not accepted in parks and open spaces.

8.3 Cemetery memorial options

Where a proposal is not suitable for a park, highway or other public-realm location, officers should signpost applicants to memorial options available through the city's cemeteries and Bereavement Services.

Cemetery memorial options: <https://www.brighton-hove.gov.uk/woodvale-crematorium-and-cemeteries/memorials>

9. Permissions and legal framework

Landowner consent must always be obtained for a permanent memorial or structure. Depending on the proposal and location, planning permission, advertisement consent, listed-building or conservation-area considerations, a highway licence, an event permission or another statutory consent may also be required.

The relevant council byelaws prohibit unauthorised structures in pleasure grounds. Temporary use and planning rules do not remove the need for landowner consent, event permission, highway approval or compliance with safety requirements.

Public Art Strategy 2022 to 2032: <https://www.brighton-hove.gov.uk/libraries-leisure-and-arts/arts-and-culture/public-art-strategy-2022-2032>

Public Art Planning Advice Note PAN10: <https://www.brighton-hove.gov.uk/planning/planning-policy/public-art-planning-advice-note-pan10>

Public Art Commissioning Toolkit: <https://www.brighton-hove.gov.uk/libraries-leisure-and-arts/arts-and-culture/public-art-commissioning-toolkit>

Events and filming: <https://www.brighton-hove.gov.uk/libraries-leisure-and-arts/events-and-filming>

Pre-application planning advice: <https://www.brighton-hove.gov.uk/planning/planning-applications/pre-application-planning-advice-service>

10. Roles, responsibilities and escalation

Issue	Lead response	Escalation
Parks or open-space tribute	Relevant land-management service	Community Safety, Communications, Emergency Planning or political leadership where wider implications arise
Roadside or highway tribute	Highway Authority	Emergency services or political leadership where required
Permanent memorial application	Lead landowner service with Planning, Highways, Culture and other advice as required	Appropriate decision-maker under the council's governance arrangements
Twenty-year exception	Officer assessment and recommendation	Politically accountable executive route, subject to final legal confirmation
Removal of an existing	No routine officer determination	Political, legal, heritage and planning

Issue	Lead response	Escalation
contested memorial		governance route

11. Operational decision framework

1. Identify the landowner and responsible service.
2. Determine whether the tribute is spontaneous and temporary, or an organised, structural or permanent proposal.
3. For a spontaneous tribute, confirm whether it can remain safely for up to 28 days.
4. Identify any immediate safety, accessibility, environmental, asset-damage or legal issue.
5. Check whether the matter has public-order, protest, major-incident, community-cohesion or significant communications implications.
6. Where required, liaise with relevant council services and external agencies.
7. Record the decision, responsibilities, planned review date and approach to sensitive communication.
8. Escalate exceptions, contested permanent memorials and other politically significant matters through the appropriate governance route.

12. Maintenance and long-term care

Every permanent memorial application must identify a responsible person or body and provide funded arrangements for regular maintenance, cleaning, repair, insurance where applicable, and eventual relocation or removal. Where obligations are not met, the council may issue notice requiring remedial action and may take further action in accordance with the relevant agreement and legal powers.

13. Support and contact

Council officers can provide pre-application advice, help identify relevant services and suitable locations, explain permissions, and signpost applicants to appropriate arts, parks, highways, planning or Bereavement Services contacts.

City Parks: cityparks@brighton-hove.gov.uk

Culture and Creative Industries: Arts@brighton-hove.gov.uk

Planning applications: planning.applications@brighton-hove.gov.uk

14. Review

This policy will be reviewed every three years, or earlier where legislation, council governance, significant incidents or operational learning indicate that a review is required.

Appendix A: Summary of revised provisions

- Temporary tribute period extended from 14 to 28 days
- No advance permission required for a suitable spontaneous tribute lasting no more than 28 days
- Clear distinction between temporary tributes, permission-required installations and immediate-removal circumstances
- Roadside memorial arrangements incorporated
- Cemetery memorial options more clearly signposted
- Historically significant event exception added to the twenty-year principle
- Political accountability required for exceptions and requests concerning removal of an existing contested memorial

- Council-determined consultation scope added for permanent applications
- Benches, plaques, trees and donation arrangements clarified
- Operational roles and escalation framework included