

DECISION-MAKER:	CABINET
SUBJECT:	MEMORIALS POLICY
DATE OF DECISION:	19 DECEMBER 2023
REPORT OF:	COUNCILLOR KAUR LEADER OF THE COUNCIL

<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY	
N/A	
BRIEF SUMMARY	
<p>Cabinet is invited to adopt a proposed new Memorials Policy following public consultation undertaken between 8 August and 25 September 2023. The policy focuses on the creation, installation, management and maintenance of memorials on land owned by Southampton City Council and aims to provide a fair, transparent and systematic approach to making informed decisions.</p>	
RECOMMENDATIONS:	
(i)	That Cabinet adopts the Memorials Policy (Appendix 1) amended following public consultation.
(ii)	That Cabinet notes a summary of the public consultation feedback identified below (and in Appendix 2) and the ESIA (Appendix 3).
(iii)	That the Head of Culture & Tourism has delegated authority to make minor amends to the policy, following consultation with the Cabinet Member for Culture and Executive Director, Place.
(iv)	The Head of Culture & Tourism has delegated authority, where appropriate, to consult on substantial changes which, following review after a 12 month period of implementation of the policy, may be deemed necessary and, after consideration of any representations made, to implement these changes, following consultation with the Cabinet Member for Culture and Executive Director, Place.
REASONS FOR REPORT RECOMMENDATIONS	

1.	The policy aims to provide a fair, transparent and systematic approach to making informed decisions about the creation, installation, management and maintenance of memorials on land owned by Southampton City Council.
2.	The policy aims to enable communities and stakeholders to be involved and engaged in the process of co-creating Southampton's public spaces to create a greater sense of pride, belonging, identity and shape the look, feel and experience of the city.
3.	The policy aims to provides a clear framework around the criteria, application process and governance for prospective proposals for memorials on land owned by Southampton City Council and their management and maintenance in the future.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
4.	Not adopting the proposed Memorials Policy – rejected on the basis that it will not address: <ul style="list-style-type: none"> the need for a clear and transparent framework to inform decision-making address the Government's 2021 '<i>retain or explain</i>' legislation and 2023 guidance for historic monuments the Full Council Motion in March 2021 that committed to '<i>never arbitrarily extract or displace any monument, memorial or statue and to subject the decision to appropriate levels of resident consultation</i>'.
5.	Adopting the Memorials Policy without the proposed criteria, application process and governance route – rejected on the basis that it will not address: <ul style="list-style-type: none"> the need for clear criteria and processes to support prospective applicants and Council employees advising individuals and groups the opportunity to involve communities and stakeholders in the process of co-creating Southampton's public spaces the opportunity to garner a range of perspectives and draw on expertise to inform the final decision by Cabinet on proposals surrounding new or existing memorials.
DETAIL (Including consultation carried out)	
6.	Cabinet is being invited to adopt the proposed Memorials Policy following public consultation undertaken between 8 August and 25 September 2023. This policy focuses on the creation, installation, management and maintenance of memorials on land owned by Southampton City Council. The aim of this policy, and the procedures that accompany it, is for Southampton to have a fair, transparent and systematic approach to making informed decisions: <ul style="list-style-type: none"> about proposals for new memorials and their long-term management and maintenance for the proposed removal or replacement of existing memorials and potential additions to provide more contextual interpretation that will enable communities and stakeholders to be involved and engaged in the process of co-creating Southampton's public spaces to create a greater sense of pride, belonging, identity and shape the look, feel and experience of the city
7.	This policy has been developed in response to:

	<ul style="list-style-type: none"> • a recognition of the value and impact that Memorials, other forms of commemoration and public space interventions can have on a sense of place, identity, belonging and understanding • the rising number of requests to different parts of the Council for monuments, memorials, public art and other markers • the government’s 2021 legislative requirement and 2023 guidance that historic monuments should be <i>‘retained and explained’</i> through the planning system • the Full Council Motion in March 2021 that committed to <i>‘never arbitrarily extract or displace any monument, memorial or statue and to subject the decision to appropriate levels of resident consultation’</i>
8.	<p>Much of the guidance in the policy can be applied to proposals for public art in general, although it is intended to undertake further work in this arena, which may lead to further adaptations.</p> <p>The definitions for ‘monument’, ‘memorial’, ‘conservation area’, ‘listed building’, ‘heritage asset’, ‘public art’, ‘public realm’ and ‘commemorative heritage asset’ that have been used to help guide and inform this policy are provided in Appendix A of the policy document.</p>
9.	<p>The policy identifies that 260 memorials have been erected in Southampton over the past 200 years. However, there is an inherent geographical, historical, social and cultural imbalance which is not reflective and representative of the citizens of the city.</p>
10.	<p>The policy identified that a joined-up approach to thinking about all such interventions in public spaces is increasingly important – to help tell the story of the city that has meaning for our communities; support the creation of an attractive and engaging landscape; enable better geographical and cultural distribution of such proposals; and consider the financial implications of installing, maintaining and sustaining these assets on behalf of the public. It aligns to changes that are happening at a national level particularly in the context of shaping places.</p>
11.	<p>Given the rising number of approaches to the Council, recent legislative changes, the strategic context, the need for awareness of existing schemes or alternative approaches for memorials, these have been brought together in one document and the criteria, application process and the governance route outlined. This policy was developed by reviewing policies in other local authorities and places and consulting with a range of stakeholders to understand the implications of existing practices and new approaches.</p>
12.	<p>To support applicants and the evaluation of proposals, a summary of the criteria for memorials proposed on Council land are as follows:</p> <ul style="list-style-type: none"> • Connection to Southampton <p>All proposals must have a clear and well defined historical and conceptual relationship with the proposed location and the city of Southampton. Proposals where there is no, or limited, relationship between the subject and location will not be acceptable.</p> <ul style="list-style-type: none"> • Equity, Inclusion and Diversity <p>All proposals must give due consideration to equity, inclusion and diversity. This includes socio-cultural and socio-economic background, disability, ethnicity, age, sexuality, gender, gender reassignment, religion and belief.</p>

	<p>This may be through the memorial itself or wider interpretation and production of associated materials and supporting information.</p> <ul style="list-style-type: none"> • Physical Manifestation <p>All applicants must describe what is being proposed and the rationale for the specific approach e.g. a statue, plaque or planting. Within this, evidence of the exploration of alternative options that have been considered and rejected e.g. a memorial garden over an event.</p> <ul style="list-style-type: none"> • Ten Year Principle <p>No memorials should be erected before ten years have elapsed from the death of the individual, group or the event to be marked. In exceptional circumstances memorials will be considered within the ten-year period, where a timely response is required.</p> <ul style="list-style-type: none"> • Quality and Experience <p>Southampton has high quality monuments, memorials and public art across the city. In keeping with this tradition, and the ambitions for the quality of public spaces for our communities, it is critical that proposed new works enhance this legacy including the consideration of materials, setting and maintenance.</p> <ul style="list-style-type: none"> • Formal Consents <p>All applicants will need to consider whether planning or other permissions are required. No proposal will be supported without formal agreement of the landowner. Consideration of formal requirements such as Listed Building Consent, Scheduled Monument Consent, archaeological remains, Sites of Special Scientific Interest, Highways Act 1980, Registered parks, gardens, designated open space and common land will be required.</p> <ul style="list-style-type: none"> • Management, Maintenance and Legacy <p>The Council will need to be assured the applicant can fund the whole life costs including the entire project costs and provision, along with associated landscaping, for the structure to be maintained in perpetuity to the specification of the Council. Alongside this the proposal should also recognise the risk of the memorial requiring decommissioning and associated costs (see paragraph 13). There should not be an expectation that the Council will take on these liabilities or to pass these to the Council's strategic partners.</p>
13.	<p>The application process for memorials proposed on Council land is summarised as:</p> <ul style="list-style-type: none"> • Enquiries <p>Proposals on Council land must be discussed at an early stage before designs are finalised. This will enable a discussion around the published criteria such as the historical connection with the proposed location, design quality, materials, future maintenance, and ownership.</p> <ul style="list-style-type: none"> • Public Spaces Panel <p>A new Public Spaces Panel will review applications against the criteria before recommending that proposals are circulated for wider public consultation and then recommendations made for a Cabinet decision.</p> <ul style="list-style-type: none"> • Permissions and Consents

	<p>Applicants will need to apply for the necessary permissions and consents and fund or contribute to the cost of these where necessary. No project will be able to progress without these in place.</p> <ul style="list-style-type: none"> • Commissioning and Funding <p>The Council expects high quality examples of new work in public spaces. It will need to approve all contractors prior to the commencement of works or contract award. Applicants will need to evidence that they can fund the entirety of the project and their proposals for ongoing maintenance. The Council reserves the right to seek a contribution to any necessary public consultation from prospective applicants, and other costs incurred as part of the application or implementation process.</p> <ul style="list-style-type: none"> • Decommissioning or Removal <p>The Government’s 2021 legislation and 2023 guidance predicates against the removal of historic statues, plaques and other monuments and requires the use of the planning system. The Full Council motion (2021) commits to “<i>subject the decision to appropriate levels of resident consultation</i>”.</p> <p>In the rare circumstances that it is deemed appropriate, subject to a clear rationale and consultation, the Council reserves the right to remove a memorial after 10 years; to let it fall into natural disrepair and managed decline; remove or relocate memorials should this be required by any future development scheme. This will be subject to a Cabinet decision.</p>
14.	<p>The policy proposes that:</p> <ul style="list-style-type: none"> • it is governed by the formation of a new Public Spaces Panel that meets twice annually, and more, if required by exception • a recruitment and selection process will lead to a Panel comprising councillors, relevant officers and specialists, community representatives and people of different ages • the process will involve consultation with relevant departments on a case-by-case basis and their expertise shared with the Panel, such as Culture, Heritage, Planning and Highways, Parks, Stronger Communities. This will include organisations and individuals with knowledge of the city’s history and heritage, public spaces, memorials and public art • the Panel’s objective is to receive and review proposals for memorials against agreed criteria before circulating for wider public engagement and consultation. Feedback from public engagement and consultation will then inform the Panel’s final recommendation for a Cabinet decision <p>In due course, it is anticipated that Public Art proposals may also be considered via this route, to ensure a joined up and consistent approach so that the people of Southampton have a say in shaping the look, feel and experience of their city.</p>
15.	<p>Consultation on the draft policy was undertaken between 8 August and 25 September 2023 and distributed through a range of channels including:</p> <ul style="list-style-type: none"> - Council owned alerts e.g. City News, Culture Vulture, Community Partners, Your City Your Say and Business News - Corporate social media pages and partner communication channels
16.	<p>All questionnaire results were analysed and presented in graphs by the Data, Intelligence and Insight Team (see Appendix 2). Respondents were given opportunities in the questionnaire to provide free text feedback with the additional opportunity to send in information via letters and email.</p>

17.	<p>In total there were 74 respondents, 91% (60) of whom were Southampton residents, followed by 26% (17) who work or study in the city, 11% (7) from Heritage/cultural organisation and 8% (5) from the third sector.</p> <p>With the breakdown by:</p> <ul style="list-style-type: none"> - Gender: 60% (Female), 40% (Male), 0% (Non-binary) - Age: 34% (55-64yrs), 31% (65-74yrs), 2% (25-34yrs) - Ethnicity: 85% (White British), 7% (White other), 3% (Asian or Asian British)
18.	<p>In terms of response to the criteria, 84% strongly agree/agree whilst 6% disagree/strongly disagree with proposals. The top three comments involved 6 about the 10 year principle, 5 about management and maintenance and 2 about quality and experience.</p> <p>Free text comments included for example:</p> <p><i>“Important that long term considerations are taken into account e.g. funding of maintenance.”</i></p> <p><i>“Overall it seems a sensible, well balanced plan.”</i></p> <p><i>“I welcome the commitment to more diversity in line with the current demographic of the city’s population.”</i></p> <p><i>“Far too politically correct.”</i></p> <p><i>“I would like to see proposals for maintenance of existing memorials and engagement with community groups to facilitate this.”</i></p> <p><i>“I have concerns over the ‘future maintenance in perpetuity’ element. I don’t see how this is possible and I do feel that the city has a responsibility to maintain our heritage for future generations.”</i></p> <p><i>“How does the 10 year rule affect murals which can be both public art and memorials?”</i></p>
19.	<p>In terms of response to the application process, 79% strongly agree/agree, while 7% disagree/strongly disagree with proposals. The top three comments involved 10 about decommissioning/ removal, 3 around too much process and 3 about commissioning and funding.</p> <p>Free text comments included for example:</p> <p><i>“Proposals to remove any memorial must be consulted on and well communicated to the public. Otherwise some elements... will use this as an excuse to denigrate Southampton City Council unfairly.”</i></p> <p><i>“Memorials should be of historic value and should not be taken down after 10 years.”</i></p> <p><i>“Memorials and statues should not be removed due to pressure groups or violent activity. It would be much more appropriate and educational if full context were included as part of it.”</i></p> <p><i>“... please ensure the funding is secure and unlikely to be withdrawn due to financial or economic difficulties.”</i></p> <p><i>“I wonder what steps can be taken to ensure the process is dealt with in a timely manner and avoid lengthy bureaucratic delays.”</i></p> <p><i>“Nothing wrong with encouraging individuals to donate memorials to their loved ones (e.g. park benches etc).”</i></p>

	<i>"People who donate to commissioning of a memorial should not be expected to meet what could be expensive costs for a bureaucratic process...Time and cost to applicants."</i>
20.	<p>In terms of response to the governance, 79% strongly agree/agree while 9% disagree/strong disagree. The top three comments involved 9 on who to consult, 5 around the panel and 4 with concerns around the governance approach.</p> <p>Free text comments included for example:</p> <p><i>"Also important that there are knowledgeable specialists on the panel e.g. from conservation and heritage."</i></p> <p><i>"I think local community groups affected by a new memorial should be consulted and have the opportunity to input additional local knowledge for consideration."</i></p> <p><i>"As long as the public, especially the younger contingent, are listened to then no concerns."</i></p> <p><i>"People of different ages – not just 'young people' should be eligible for this governance."</i></p> <p><i>"Makes sense now there is no Public Arts Officer and is important to bring in all relevant parts of the Council in any decision – maybe also link to the Design panel... welcome some governance around this and... consideration of future maintenance so can ensure memorials we have add to the experience of both residents and visitors. Effective approaches can help highlight the city's rich history."</i></p> <p><i>"If this is an additional panel that will cost money that SCC and the residents do not have. Now is not the time."</i></p>
21.	Overall, 69% agree that the policy provides sufficient information and 9% disagree; 76% agree that it is easy to read compared to 14% who disagree.
22.	<p>In terms of achieving the aims of the policy, 76% agree whilst 9% disagree. The top 3 comments involved 9 with concerns around the overall policy; 5 felt that the policy was too long and 4 were positive about the policy.</p> <p>Free text comments included for example:</p> <p><i>"The average resident probably could not care less about any of the monuments except as something to deface."</i></p> <p><i>".. to include the words 'and other forms of commemoration' ... to read 'Memorial and Other Forms of Commemoration Proposals.'"</i></p> <p><i>"A centralised, corporate vision of public art just leads to endless bland meaningless pieces that connect with no one. And please not more Spitfires!"</i></p> <p><i>"Nothing should be done that costs council taxpayers money. The Council has no money and residents cannot afford a tax hike... Too expensive... Waste of time and money."</i></p> <p><i>"I worry that this will lead to the removal of historic memorials and statues. I'd rather you added context and background."</i></p> <p><i>"Seems a really practical way forward to manage Council resources, whilst not inhibiting truly worthy projects."</i></p> <p><i>"It is a good thing that you are doing this, and the effort involved will certainly enable a diverse community to move forward provided everyone on the decision-making body is fair-minded and attentive to the wider health of the</i></p>

	<i>community – it is always a hard thing to do and the course of history means that some things will be got wrong – but the intention and the effort are signs of health in themselves.”</i>
23.	<p>As a result of the consultation and feedback, the Memorials Policy has been amended. The policy length has been reduced, clarifications made around the Ten Year principle, wording around panel representation and other areas adjusted in response to feedback including clarification around contribution towards costs.</p> <p>It is recognised that whilst this policy is new for Southampton, other places such as Westminster, have prior experience which can be drawn upon. The intention remains to provide a supportive framework that enables collaborative approaches to celebrating and marking Southampton’s history, experiences and diversity to add to a sense of place, identity and belonging.</p>
24.	<p>Following adoption of this policy, the next steps are to:</p> <ul style="list-style-type: none"> • devise and implement the selection process for the new Panel • implement training for panellists and staff • review existing pipeline proposals in the context of the new policy • consider the opportunities that can be fed into this policy around public art and other public space interventions • learn from each other and other places to enhance the opportunities for celebrating Southampton and its residents • monitor demand and review the impact on resources over the next 12 months
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
25.	<p>There are revenue resource implications associated with managing the process outlined in the Memorials Policy – that is from making initial contact to ensuring that the application and governance process is supported and managed throughout. Whilst it is expected to streamline the process for the Council overall and prospective applicants, this will have implications for the Culture & Tourism team which has limited resources. Demand will be monitored over the next 12 months to assess the potential impact on resources; and if there any proposed substantial changes to accommodate these (e.g. charging or Public Art), options will be developed and consulted upon if deemed necessary (as indicated in para iv).</p>
26.	<p>It will also require other departments to feed into the process which is likely to be challenging given the need to focus on Growth agenda to support the city and capacity across the organisation. Council Service Teams that will be part of the application process will include Culture, Heritage, Planning and Highways, Parks, Stronger Communities, Communications. There will also be a need for the involvement of other teams as part of the implementation process depending on the location and circumstances of the memorial including Valuation and Estates and Legal.</p>
27.	<p>There is an expectation in this policy that costs of developing, implementation and sustaining new memorials cannot be borne by taxpayers and their strategic partners. The limitations of the capital and revenue liabilities for the Council have been outlined in the policy. In particular, the Council:</p> <ul style="list-style-type: none"> • requires assurance the applicant can fund the entire project costs and long-term maintenance to the specification of the Council (item 4.7 & 5.4)

	<ul style="list-style-type: none"> • requires evidence that in the event of financial or governance failure of the delivery organisation, the funds are in place to complete the project. The Council or its strategic partners will not be liable for completing the project (item 4.7 & 5.4) • requires the establishment of an endowment fund, or a commuted sum gifted to the Council if it formally agrees to take on future liabilities (including repairs, maintenance, insurance, accidental damage/ vandalism), which must be signed prior to granting agreement to proceed with the project (item 4.7 & 5.4) • expects high quality work in public spaces to enhance the legacy of the existing monuments, memorials and public art. The Council will need to approve all contractors prior to the commencement of any work or award of any contract (item 5.4) • reserves the right to seek a contribution to any necessary public consultation from prospective applicants (item 5.4). • reserves the right to seek a contribution for costs incurred as part of the application or implementation process including pursuing relevant applications such as works on Common Land, or if circumstances result in a public enquiry (item 5.4).
<u>Property/Other</u>	
28.	<p>This policy is specific to proposals for memorials on Council owned land which will have Property implications around use of land, management and ongoing maintenance. This policy anticipates these and as well as specific consents required before progressing:</p> <ul style="list-style-type: none"> • all proposals on Council land will need to be discussed with the relevant departments before progressing to ensure there is no conflict of opportunity or other plans for the assets e.g. Asset Management, Parks, Highways, Regeneration • all proposals will need to consider whether planning permission is required and will not be supported without formal agreement of the landowner (item 4.6) • proposals impacting on listed buildings or structures will require Listed Building Consent and those impacting on scheduled monuments will require Scheduled Monument Consent. The impact on buried archaeological remains, Sites of Special Scientific Interest (SSSI) and other designations must also be considered (item 4.6) • some proposals may require consent under the Highways Act 1980, whilst others in Registered parks, gardens, open space and on common land must consider the impact of any proposed development on the landscapes' special character and may be subject to approval by the Secretary of State (item 4.6)
29.	<p>The policy also outlines the approach to decommissioning or removal on Council owned land which will be subject to appropriate levels of consultation:</p> <ul style="list-style-type: none"> • the Government's 2021 legislation and 2023 guidance predicates against the removal of historic statues, plaques and other monuments and to use the planning system; whilst the Full Council motion (March 2021) commits to public consultation if required (item 5.5) • the Council reserves the right to remove a memorial after ten years or at a point at which the asset requires replacement to maintain its amenity value; where a memorial is more than ten years old, the Council reserves

	<p>the right to let it to fall into natural disrepair and managed decline (item 5.5)</p> <ul style="list-style-type: none"> the Council reserves the right to remove or relocate memorials should this be required by any future development scheme (item 5.5)
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
30.	Section 1, Localism Act 2011 provides a ‘general power of competence’, giving local authorities the legal capacity to do anything that an individual can do that is not specifically prohibited. There are no such prohibitions relating to this proposal.
<u>Other Legal Implications:</u>	
31.	<p>The legal framework for this policy is outlined is summarised as follows:</p> <ul style="list-style-type: none"> National Planning Policy Framework Planning (Listed Buildings and Conservation Areas) Act 1990 Ancient Monuments and Archaeological Areas Act 1979 Highways Act 1980 Registered Parks, Gardens and Common Land 2021 Legislation Commemorative Historic Monuments Legislation Public Royal names memorialisation guidance - GOV.UK (www.gov.uk) Wildlife and Countryside Act 1981
32.	An ESIA has been carried out (Appendix 3) to ensure that the proposed policy accords with the Council’s duties under the Equality Act 2010. Equality considerations have been reflected in the proposed policy and seeks to provide a framework for transparency and fairness. It aims to enable communities and stakeholders to be involved and engaged in the process of co-creating Southampton’s public spaces to create a greater sense of pride, belonging, identity and shape the look, feel and experience of the city.
RISK MANAGEMENT IMPLICATIONS	
33.	The risk of not adopting the policy means that it will not address the need for a clear and transparent framework for prospective applicants and decision-makers, the Government’s 2021 ‘retain or explain’ legislation and 2023 guidance or the Full Council Motion (March 2021) around potential removal of monuments, memorials or statues.
34.	The risk of adopting the policy means that some individuals/groups may feel aggrieved by the criteria, application process and governance surrounding this new approach. The policy has drawn on the experiences and approaches undertaken by other local authorities.
35.	There are capacity and resource risks around servicing the policy and in the context of the Council’s current financial position. Overall, it is intended that the process will be streamlined and ensure that Council departments, strategic partners and prospective applicants have more clarity surrounding the process for new and existing memorials but that there are ongoing capacity and prioritisation risks across the whole organisation. Demand will be monitored over the next 12 months to assess the potential impact on resources; if there any proposed substantial changes to accommodate these (e.g. charging or Public Art), options will be developed and consulted upon if deemed necessary (as indicated in para iv).

36.	There is a risk that the Council and taxpayers may become liable for future costs (development, implementation, maintenance) as a result of external pressure and lobbying. The intention is that this policy provides a transparent framework with a Public Spaces Panel that helps to represent the interests of the city and to draw on the relevant internal and external expertise to make informed recommendations for Cabinet decision-making.
POLICY FRAMEWORK IMPLICATIONS	
37.	This policy is consistent with the Council's policy framework including: <ul style="list-style-type: none"> • Local Plan, Master Plan & City Vision • Strategic Asset Management Plan • Cultural Strategy • Destination Management Plan • Southampton City Council's Public Art Strategy (Art People Place) • Historic Environment Record • Heritage Asset Repair Programme

KEY DECISION?	Yes
WARDS/COMMUNITIES AFFECTED:	All
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Memorials Policy
2.	Summary of the Consultation Feedback
3.	ESIA Memorials Policy

Documents In Members' Rooms

1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	Yes
Data Protection Impact Assessment	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
Other Background Documents	
Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	
2.	