



AGENDA ITEM: 6(f)

CABINET: 1 July 2014

Report of: Assistant Director Planning

Relevant Managing Director: Managing Director (Transformation)

Relevant Portfolio Holder: Councillor M Forshaw

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SUBJECT: PROTOCOL FOR AMENDING OR ADDING NEW NAMES TO COUNCIL OWNED WAR MEMORIALS

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To consider the adoption of a protocol for dealing with residents requests to amend or add new names of fallen servicemen on Council owned war memorials.

2.0 RECOMMENDATIONS

2.1 That the protocol appended to this report (appendix A) be approved.

2.2 That authority be delegated to the Assistant Director Planning to implement the provisions of the application process identified in the protocol.

2.3 That authority be delegated to the Assistant Director Planning, in consultation with the relevant portfolio holder, to determine any applications for amending or adding new names to Council owned war memorials in accordance to the agreed protocol.

2.4 That authority be delegated to the Assistant Director Planning in consultation with the relevant portfolio holder to make any minor amendments to the protocol deemed necessary following its implementation.

3.0 BACKGROUND

- 3.1 War memorials are incredibly important public monuments and are highly visible reminders of past wars and the sacrifices made by the servicemen from within West Lancashire.
- 3.2 There are 17 'public' War Memorials in West Lancashire of which 7 are directly owned by the Council. These are the Lathom and Burscough Memorial, the Lathom Cross, Newburgh Memorial, Ormskirk Memorial, Ormskirk Boer War Memorial, Garden of Remembrance Skelmersdale and the UpHolland Memorial. The remaining 10 memorials are located in the grounds of Churches and/or are currently owned or looked after by Parish Councils.
- 3.3 The Heritage and Environment Manager through his role as the War Memorials Officer has been working to ensure our war memorials are properly repaired, maintained and cleaned in a manner respectful to their importance within our communities. A project in partnership with local communities is currently taking place to ensure that all memorials in the Borough are repaired in advance of the 100 year anniversary of the start of World War One (WW1) taking place this November.

4.0 THE ISSUE

- 4.1 The significance of this November's date has caused an increase in the attention given to our war memorials and we have recently received two separate requests from a local WW1 historian seeking to add new names to the war memorials in Burscough and Skelmersdale. The current requests are to add new 2 names on the memorial at Burscough and 44 names on the Skelmersdale war memorial.
- 4.2 Under the War Memorials (Local Authorities' Powers) Act 1923, local authorities have the power, though not a duty, to correct errors in a war memorial's inscription and to add new names to make a war memorial serve for wars or conflicts subsequent to that for which it was erected. Consideration of the proposals has been deferred pending the writing and agreement of a protocol to ensure that a consistent and balanced approach is taken when assessing applications.
- 4.3 War memorials are important to local communities. They form an integral part of the social history of our villages and towns. By their very nature, they commemorate the dead and their deeds and are constant reminders of the members of local communities, lost during the wars.
- 4.4 On the whole the names of the fallen servicemen who fought in the wars and that are remembered on our memorials were people known by their families and by local people and communities in which, they lived. Adding new names to war memorials is a very sensitive and often emotive matter and one which needs careful consideration.

5.0 EXAMPLES OF BEST PRACTICE

- 5.1 Very few local authorities appear to have a formal procedure regarding amendments to or the addition of 'names' on war memorials. Decisions on amendments and changes appear, in the vast majority of cases, to be taken on a case by case assessment. Locally Knowsley MBC request that applicants complete a request form and that checks are made regarding the person's services identity/record, that they died in service, their place of birth and residency. Similar checks are made in other authorities i.e. Wirral.
- 5.2 Other projects to add names point to issues relating to the need to check whether the fallen servicemen are recorded on other memorials and the need to gain permission from any surviving relatives.
- 5.3 The Department for Constitutional Affairs published guidance in 2007 recommending that local authorities should advertise their intention to add an additional name and to receive representations before coming to a final decision. Consideration should also be given to ensure that any additions do not cause damage to the existing fabric of the memorial.
- 5.4 The War Memorials Trust (WMT) advises that whilst there are no definitive rules on adding new names to memorials, care needs to be taken to verify the research and to consider the effects of adding the new names on the monument itself. The WMT recommends that the local community should be consulted before action is taken on proposals to add new names onto a War Memorial.

6.0 PROPOSED ACTION - PROTOCOL

- 6.1 Memorials are records of the local sacrifices made by communities and as custodian the Council plays an important role in ensuring that they are appropriately preserved.
- 6.2 In undertaking this custodian role it is important that care is taken when considering proposals to amend or add new names to existing memorials and such actions should only be taken in well proven circumstances and in accordance with an agreed protocol.
- 6.3 I propose that a protocol, setting down a consistent approach in which to assess applications, should be adopted by the Council. The protocol should set down a series of 'tests' to be applied for applications to alter/amend Council owned war memorials. As part of the protocol the applicant will be required to provide detailed information to address the following five aspects in relation to the person(s) they wish to be added to a war memorial;
 - a. Proof of the person(s) war service.
 - b. Confirmation that they died in service and the year of their death.
 - c. Proof of the person's place of birth and residency (via the census) at the time of the war. Further information may be required regarding the place they enlisted.

- d. Confirmation that the person is not recorded as being named on another war memorial in the locality.
- e. Proof that reasonable efforts have been made to contact any relatives/family members of the person and were contact has been made, that they have confirmed support for the application.

6.4 I consider that once proof of war service and confirmation that the person died in service (points a. and b. above) is given the crucial aspects relate to the persons birth/residency and whether they are suitably honoured on an another war memorial in the locality. Assessment will be weighted, in the first instance, to the requirement of residency at the time of service. Full details of the protocol are attached to this report (see appendix A).

6.5 The second stage will involve inviting the views from the local community including any relevant Parish Council (if applicable) on the proposed name changes. Any comments received will be taken into account prior to a final decision being made on the change(s) put forward.

6.6 Assessment of any applications received will be made by the Council's Heritage and Environment Manager. Decisions on applications will be delegated to the Assistant Director Planning.

6.7 If the proposal involves an alteration to one of the four 'listed' memorials the Council owns (Newburgh, Ormskirk (St Helens Park), Skelmersdale or Up Holland) consideration will be required to the likely effect of the any changes on the memorial and whether Listed Building Consent (LBC) is required for the work. If LBC is required this must be applied for and approved before any work is agreed.

6.8 The final stage relates to the implementation of the work. Any agreed changes to Council owned memorials will be undertaken under the supervision of the Heritage and Environment Manager using contractors experienced in memorial work.

7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

7.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder. The report has no significant links with the Sustainable Community Strategy.

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

8.1 There are no significant financial or resource implications arising from this article. The work will be financed through existing budgets. However it should be appreciated that there is a staff resource requirement to implement the protocol and that this has been properly assessed as part of the proposals.

9.0 RISK ASSESSMENT

- 9.1 The risk associated with this matter primarily relate to the impact on the wellbeing of an individual or a local community resulting from the decision by the Council on whether or not to agree to a request to amend or add names to a war memorial.

10.0 CONCLUSIONS

- 10.1 Implementing a protocol for dealing with this issue will ensure that residents and communities will have a clear understanding of how changes to our memorials will be assessed in the future.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is a direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report

Appendices

- A. Protocol for assessing applications for adding or amending names to war memorials

Equality Impact Assessment - process for services, policies, projects and strategies
Appendix

<p>1. Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people: <i>People of different ages – including young and older people</i> <i>People with a disability;</i> <i>People of different races/ethnicities/ nationalities;</i> <i>Men; Women;</i> <i>People of different religions/beliefs;</i> <i>People of different sexual orientations;</i> <i>People who are or have identified as transgender;</i> <i>People who are married or in a civil partnership;</i> <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i> <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	<p>No.</p>
<p>2. What sources of information have you used to come to this decision?</p>	<p>Advice from the War Memorials Trust.</p>
<p>3. How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p>Initial consultation with external organisations and community groups. Further consultation will be undertaken following approval of the protocol and in the assessment of applications.</p>
<p>4. Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:- <i>Eliminate discrimination, harassment and victimisation;</i> <i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i> <i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	<p>No.</p> <p>The protocol sets down clear guidelines to help communities when considering applications to alter war memorials.</p> <p>The decision should help the Councils ability to meet its duties under the Equality Act 2010.</p>
<p>5. What actions will you take to address any issues raised in your answers above</p>	<p>Ensure that clear information is provided to a wide variety of audiences when consultation is carried out</p>