

Assembly Commission: Memorials Policy

February 2019



The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

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Assembly Commission: Memorials Policy



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Purpose and summary

- 1.** The National Assembly for Wales Commission (the Commission) recognises that public commemoration offers a means to honour, celebrate, or remember a person, group of persons or event of significance, by the installation of a memorial on the Assembly's estate, or by the naming of infrastructure. This policy sets out the process by which the Commission will consider and decide on such proposals and provides guidance for proposers.
- 2.** It is necessary to have this policy to provide clarity and consistency regarding the process for the consideration of proposals for memorials, given that many requests will be emotive in nature.
- 3.** In this policy, the term 'memorial' is used to cover plaques, monuments, statues and the naming of infrastructure on the Assembly estate.
- 4.** For the purposes of this policy, the Assembly's estate is the area of land shown on the plan at Annex A.

Role of the Commission

- 5.** The Commission will be responsible for deciding to approve or reject proposals for memorials. In reaching a decision, the Commission will be guided by this policy as follows:
- 5.1.** The Commission will consider all proposals deemed to meet the criteria set out in this policy.
 - 5.2.** The Commission, as custodian of the Assembly estate, must ensure that nothing that it decides will detract from the integrity, presence and status of the Senedd and Pierhead, as the focal points of public life in Wales. Specifically, the Commission must be mindful of the long-term implications of agreeing to the installation of memorials and maintain a 'high bar' for approval. The working presumption should be that approval of a proposal should be the exception rather than the rule. This responsibility should be paramount in guiding the Commission in its consideration and decision-making.
 - 5.3.** Proposals must be formally submitted according to the application process set out in this policy.
 - 5.4.** The Commission may call on the advice of internal and/or external parties in the evaluation of proposals.
 - 5.5.** The Commission may agree or reject proposals, or defer its decision pending receipt of further information from the applicant. Reasons to defer a decision may include the lack of information, confirmation of funding arrangements, outstanding planning consent or the outcome of any consultation.
 - 5.6.** The Commission will require a majority in favour to agree a proposal.

Memorial Selection Criteria

- 6.** The Commission will apply the following criteria in considering all proposals for memorials:
 - 6.1.** Proposals to commemorate living individuals will not be considered. Only proposals for individuals who have died at least 10 years previously will be considered. A shorter period may be considered by the Commission in exceptional circumstances.
 - 6.2.** For memorials commemorating individuals, the individuals must have been born in or lived in Wales and have made an outstanding, unique contribution to the advancement of the principles and values of the Assembly (democracy, equalities and sustainability) or to Welsh life in general.
 - 6.3.** In the case of memorials to commemorate a major event in Welsh history, the event must have had long-lasting, positive consequences, occurred in Wales and will have occurred at least 20 years previously.
 - 6.4.** Consideration will be given to whether memorials already exist, in Wales, to commemorate the individual, group or event.
 - 6.5.** No proposals to install a memorial directly in front of the Senedd will be considered. Similarly, no consideration will be given for memorials to be affixed to the external walls of the Pierhead Building.
 - 6.6.** The Commission has already established a location for external plaques - wall of the Senedd facing the Wales Millennium Centre. Therefore, proposals for external plaques will be considered for installation on this part of the Assembly's estate only.
 - 6.7.** Evidence of consent from members of the family, the estate or any group connected with the individual or event to be commemorated must be provided.
 - 6.8.** The Commission will consider whether the memorial is suitable and appropriate in terms of design, visual impact, materials and long term maintenance and preservation and is in keeping with the character of the Assembly estate (this list is not exhaustive).

- 6.9.** The wording on memorials must be in Welsh and English with Welsh text appearing first or on the left or otherwise in accordance with the requirements of the Assembly's Official Languages Scheme.
- 6.10.** The Commission will be mindful of achieving a gender balance when considering proposals for memorials.
- 6.11.** The Commission will not bear the costs associated with any memorial unless the Commission itself proposes and agrees to the installation of a memorial.

Process

7. The proposal for a memorial must be prepared and submitted with sufficient time for the Commission's consideration; ideally this should be a minimum of 12 months in advance of any intended installation. The Commission will accept no responsibility for delays to the desired time scale.

Stage 1 Proposal

8. Applicants should submit an initial proposal to the Commission for consideration, containing as a minimum all of the information listed in Annex B to this policy.

9. Following review of an initial proposal, the Commission will decide either to:

9.1. Request further information or/and revisions to the initial proposal;

9.2. Decline the proposal; or

9.3. Support the proposal proceeding to Stage 2 of the application process.

10. The Commission will communicate its decision to the applicant in writing.

11. In certain circumstances, the Commission may deem it appropriate to decide on an application without the need for Stage 2 consideration. This may arise, for example, in the case of applications for a memorial comprising a plaque, where planning permission requirements have already been discussed in advance with the local authority and the local authority has confirmed to the applicant that planning permission will not be required. If the Commission resolves to dispense with the requirement for Stage 2 consideration of an application, it will communicate this to the applicant in writing.

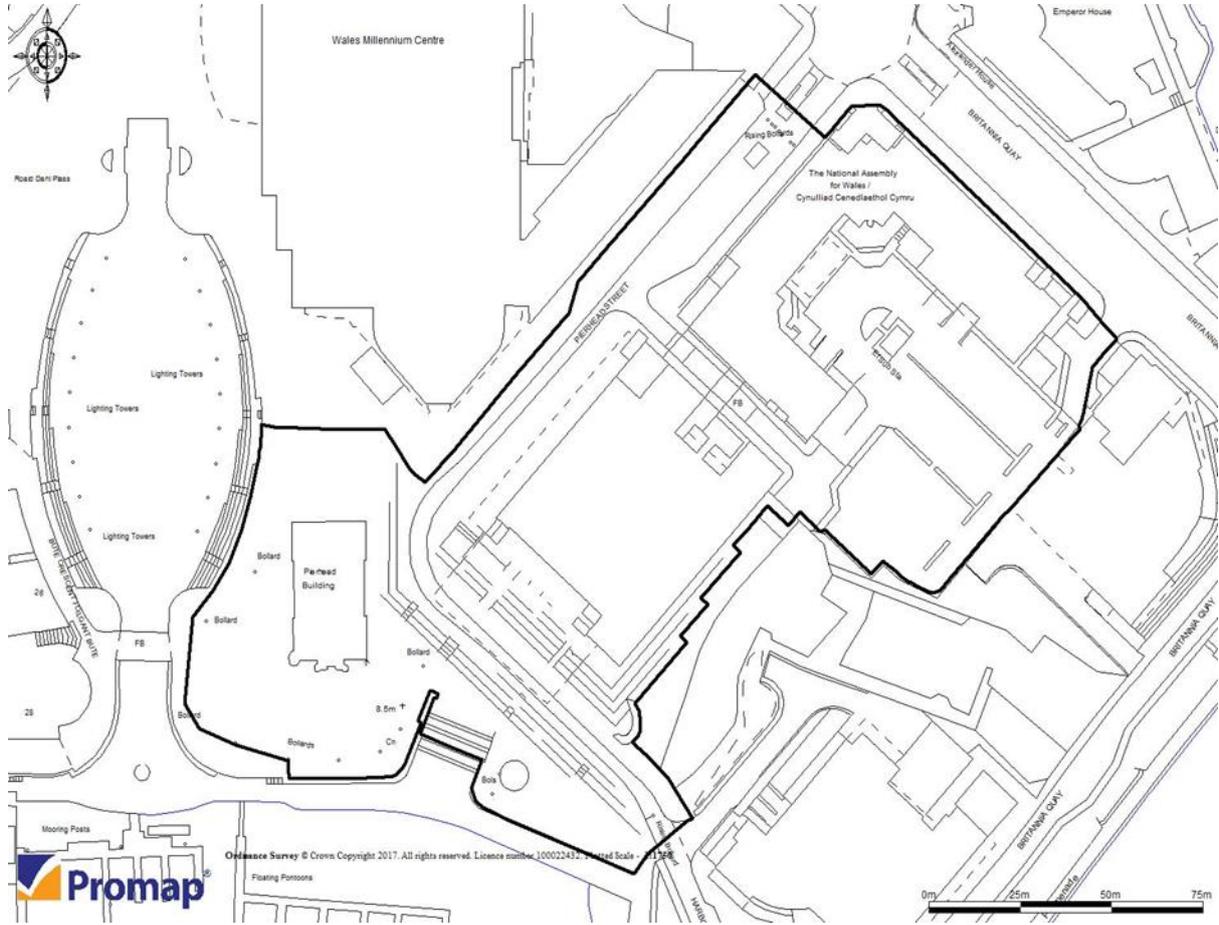
Further Terms

- 12.** The Commission accepts no liability to applicants or connected parties in relation to the costs of preparing an application or the costs of any subsequent implementation, installation or ongoing maintenance and preservation of the memorial.
- 13.** Any decision by the Commission to proceed will be made in good faith but will not amount to a formal legal commitment from the Commission. Any formal commitments to be entered into between the Commission and the applicant or other third parties, where necessary, will only be effected by formal agreement(s) prepared and approved by the Commission's solicitors.
- 14.** Should an application be given approval to proceed, the Commission reserves the right subsequently to withdraw from the process in the event of:
- 14.1.** Any matter arising during the implementation phase (for example, as a result of legal due diligence) which alerts the Commission to potential exposure to legal or other risk as a result of the proposals breaching any obligations of the Commission to third parties or otherwise detrimentally impacting on the Assembly's estate; or
- 14.2.** Material delay on the part of the applicant in progressing the implementation of the project.
- 15.** Should the Commission formally approve a proposal it may require external legal and/or technical advice as part of the implementation of the project. The applicant will be responsible for the Commission's external adviser costs, which will be communicated to the applicant as early as practicable during the process. Such costs will be dependent on the nature and scale of the proposed memorial but may include, for example:
- 15.1.** The external legal costs associated with the Commission's solicitors reviewing the Commission's legal title to the Assembly estate in order to verify that the Commission would not be breaching any legal obligations to third parties as a result of the installation of the memorial;
- 15.2.** Searches to verify, for example, that the installation of the memorial would not interfere with existing third party infrastructure on the

Assembly estate such as utility providers or telecommunication equipment;

- 15.3.** Verifying planning law and listed building compliance for the proposals;
 - 15.4.** The costs of the Commission's landlord(s) arising from any formal consent to the proposals which the landlord(s) may require; and
 - 15.5.** Any external technical costs that the Commission may incur as a result of seeking surveyor advice.
- 16.** The Commission may also, as a condition of approval, require the applicant to provide suitable security for the Commission's costs in the event that the Commission were to require the memorial to be removed, or if the applicant were to fail to comply with its obligations to maintain the memorial.
- 17.** The applicant will be expected to cooperate fully with the staff of the Commission and the Commission's external advisers during the implementation phase. This may include, for example:
- 17.1.** Dealing promptly and fully with any requests for information; and
 - 17.2.** Entering into any legal documentation reasonably requested by the Commission in connection with the installation of the memorial and its ongoing maintenance.
- 18.** The Commission may decide to implement a period of review after a memorial has been installed, and retains the discretion to require the removal of a memorial at any time. Any removal will be at the Commission's discretion, but the Commission will consult with the applicant on a proposed removal where reasonably practicable to do so.
- 19.** The Commission may periodically review the terms of this policy and revise the memorial selection criteria or other aspects of the policy where appropriate. In the event that this policy is changed, the revised policy will apply to existing memorials.

Annex A: Plan of the Assembly Estate



Annex B: Application Requirements

Stage 1

- The proposal should identify the lead individual who will act as point of contact.
- The proposal should clearly identify the reasons for the memorial.
- The level of public support should be assessed, including whether there is support from any Assembly Member(s).
- A marked map and photographs of the proposed location of the memorial must be submitted.
- The text of the proposed wording for the memorial must be provided along with visualisations.
- Details of the proposed design, including drawings, dimensions and materials, must be provided.
- All proposals to erect memorials must identify whether planning consent is required.
- Details of expected costs, intended sources of funding and proposals for the funding of maintenance arrangements must be included.
- The Commission will require a clear statement of the provisions for the long-term preservation and maintenance of the memorial.
- The applicant must provide details of arrangements for the long-term ownership of the memorial. The Commission's preference is for ownership of memorials comprising statues or similar installations to be retained by a third party.
- The intended time scale must be included.

Stage 2

In addition to the information provided for Stage 1, the following information will be required for Stage 2:

- Finalised design information (including visuals, confirmation of materials and dimensions of the memorial).
- Evidence of planning permission and listed building consent where required for the proposals (or written confirmation from the local planning authority that such consent(s) are not required).
- Evidence that all funding required for the project has been obtained (or is payable by a third party subject to completion of legal documentation).
- Confirmation of the arrangements for maintenance, preservation and long-term ownership of the memorial.
- Installation plan and timescale.

