



ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT COMMITTEE

Tuesday, 12 March 2024

REPORT TITLE:	FESTIVE DISPLAY POLICY
REPORT OF:	DIRECTOR OF NEIGHBOURHOOD SERVICES

REPORT SUMMARY

The purpose of this report is to enable the Committee to consider a consolidated policy for festive displays on the highway which aims to streamline and standardise the process for community groups whilst minimising the potential liability and risks to the Council.

The recommendation supports the Council Plan for 2023-2027 delivery theme 6: working together to create safe, resilient and engaged communities.

This matter affects all wards within the borough.

The recommendation is a Key Decision.

RECOMMENDATION

The Environment, Climate Emergency and Transport Committee is recommended to approve the Festive Display Policy as set out at Appendix 1 of this report.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATION

- 1.1 Festive displays are important to Wirral's communities. However, the increasing complexity and scale of such displays necessitate a comprehensive and transparent approach to managing them in order to protect public safety. Establishing a clear and well-defined policy, will enable the Council to reaffirm its commitment to facilitating festive displays in Wirral whilst upholding the principles of responsible governance and proportionate risk and health and safety management.
- 1.2 This policy will provide a structured framework that ensures due diligence, adherence to relevant guidance, and compliance with legislative requirements during the evaluation and approval of festive display permit applications. It not only aligns with best industry standards but also offers a clear rationale for decision-making, promoting fairness, consistency, and transparency in the Council's interactions with applicants and the wider public.
- 1.3 This policy will allow for better resource management and allocation to facilitate robust processes and mitigate risks. The policy will enable the operational service area to allocate limited resources and plan effectively. Festive display management can then be built into business-as-usual services. In addition, the policy provides for fair, proportionate, clear and consistent enforcement of non-compliance. The policy will improve transparency of the process and decision-making for display organising groups and their applicants, along with defined policy principles. A consistent standardised approach will give parity across all groups on how applications are assessed and managed by the Council.
- 1.4 Non-compliance with legislation or the terms of a permit mean the Council sometimes has no choice but to intervene. For example, where installations have not been removed once the permitted period has passed or non-permitted installations are erected. Historically, enforcement action has been inconsistent and open to challenge in the absence of a formalised or agreed policy. An approved policy will give weight and justification for any decision to take enforcement action against non-compliance, supported by clear council policy.

2.0 OTHER OPTIONS CONSIDERED

Do nothing option

- 2.1 Under the do nothing option the Highways and Infrastructure service would continue 'as is' in the way it manages festive display applications and permits. This option has been rejected as the absence of a policy means the service will continue to operate in an ad-hoc and inefficient manner, incurring further costs and increasing risks associated with assessing applications, dealing with requests and enquiries for extensions or variations to permit conditions set and attempting to ensure safe installations. The current approach to submissions, with the quality and sufficiency of information supplied by the various display organisers, is extremely variable. This option increases the time and costs involved with the time taken to assess

applications and deal with non-compliance with permit conditions. It also presents reputational and legislative risks to the Council should there be an incident in cases where the necessary requested certifications or insurances are provided late or not at all. This option has been rejected because of the administrative costs and risks it presents to the Council.

Partial cost recovery option

- 2.2 Under a partial cost recovery option the applicant would also be responsible for some of the energy costs. This option would require Council officers to calculate costs using information provided with the festive display application. The displays are essentially 'plugged into' the Council's street lighting assets via an 'unmetered supply.' The Council would be required to calculate the energy costs for each individual display using the information provided by installers on the type and power of equipment included in the display and the prevailing energy price so that the Council can make an annual return to the energy provider comprising all energy usage and thus price owed. Under this option officers would calculate the cost attributable to the specific display applied for, at source, using the current energy price tariff and assess what their contribution would be based on an agreed percentage. Energy usage and costs for different groups' displays in 2022/23 ranged from less than £100 to over several thousand for some of the larger displays. This option has been rejected as it would be overly bureaucratic, considering the low total financial value that would be recovered.

Full cost recovery option

- 2.3 Under this option applicants would be responsible for 100% of the energy costs. This option would require display organisers to provide the details of a 'Meter Point Administration Number' on their application. This would need to be directly applied for directly to the energy provider. This is used to meter electric usage of displays on an 'unmetered' supply. This would allow energy usage for each display to be measured and billed. Organisers would pay the energy provider directly. The Council could also legitimately chose to recover its reasonable administrative costs for providing this discretionary service. This option has been rejected because it is considered to be unwieldy and the cost and administrative burden on organisers may discourage them from applying to host displays at all – with little financial benefit for the council.

Limiting the total number of displays across the borough

- 2.4 Under this option no new displays at new locations would be permitted. This would reduce the management and associated implications for the Council against future growth. This option has been rejected as it may discriminate against prospective new applications for displays in newly-created local centres with a legitimate desire to provide displays to promote the locality and local retail trade.

3.0 BACKGROUND INFORMATION

- 3.1 Festive displays in Wirral are provided and installed by local community groups. Equipment and its installation/removal is provided at the community group's own cost, usually financed by local fund-raising activities during the summer preceding

the festive period. The Council has a duty to assess festive display applications in line with prevailing guidance and legislation to ensure they are fit for purpose, legal, and safe. As the displays are generally fixed to Council owned street lighting columns, the Council retains liability as the permitting authority. Each display also requires an inspection by the Council to ensure that the displays represent what was issued under the permit, that they adhere to legislation and best practice, and that they are safe. The Council manually calculates the energy used by each display, based on equipment manufacturer's data and information supplied by the applicant and declares this to the power supplier.

3.2 The management of festive displays by the Council is a discretionary service. There is currently no budget or policy for how the Council manages festive display applications and installations. The Council currently meets 100% of the energy costs for festive display installations. In addition, the Council incurs and meets the costs with administrating, inspecting, and monitoring each display from its own resources as well as any unforeseen costs associated with enforcement (e.g. removal of unauthorised equipment). Applications are managed through the street lighting team in the Highways and Infrastructure service of Neighbourhood Services directorate. Over the last 10 years, the number of regular applications for festive displays has risen from 10 to 20 in Wirral, whilst the available officer resource responsible for managing them, has decreased significantly. In addition to the number of festive display applications, the scale of each display has increased, as have some operating periods (starting much earlier and extending beyond the traditional 'festive' season). Despite broad efficiencies in lighting equipment and technologies over the last 10 years, the total kilowatt hour usage across all displays has also increased significantly. In some cases, displays have generated a 600% increase in energy usage over this period. The street lighting team has limited resource and capacity, so management of festive displays with this level of growth is a significant additional seasonal burden on top of managing and maintaining the Council's 38,000 street lights, which is a statutory function.

3.3 Although the management of festive displays is governed through broad guidance and legislation, notably Section 178 of the Highways Act 1980, the absence of a formalised policy has led to inconsistencies in how they are administered and managed across the borough. This has resulted in resource implications, inefficiencies, ad-hoc and reactive processes, and poor risk and management, often resulting in extra cost to the Council.

Current process and position in 2023/24

3.4 The street lighting service sends letter to all known festive display organisers in October each year inviting them to apply for a permit for the forthcoming season. The most recent letter sent on 19 October 2023 included an application form, a summary of the information required to be submitted with the application, including contractor details, electrical compliance evidence and public liability insurance cover evidence, and guidance notes. Reminders were issued by the street lighting team by email to those organisers who had not supplied their full application evidence. On 8 December 2023, by which time the majority of displays around the borough had been

switched on, only 3 out of 21 applicants had supplied all of the information requested. On 15 December 2023, the Director of Neighbourhood Services wrote to 13 applicants who had failed to comply with requests for safety-related documentation. Some display organisers still failed to provide the requested information, putting both themselves and the Council at risk of prosecution should there have been an incident.

- 3.5 Those documents that were issued to organisers in 2023 inviting applications for festive displays will be reviewed and revised for 2024 in accordance with any policy that is approved, or any decision taken, by this Committee.

Recommended policy

- 3.6 The recommended policy, as set out in Appendix 1 to this report, will bring together national guidance and legislation governing festive displays and introduce new localised policy principles. This represents a balance between managing Council resources and supporting organisers with their festive displays. Material policy content includes the following:
- Introduction of a submission deadline and cut off;
 - Limited display sizes/scale;
 - Defined operating period; and
 - Transparent policy on non-compliance and enforcement.
- 3.7 The policy will limit display sizes to a baseline of what each operator has previously applied for (their last full application). For new displays, a proportionate assessment and judgement will be made by officers in the service in line with guidance, legislation, and available resource. The policy will also limit the operating period to the festive period, being the end of November to the end of the first week in the following January, after which installations will be removed from Council property. The Council also advocates for the use of smart technologies that allow for festive displays to be switched off or dimmed during the day to reduce day burning hours. This will serve to reduce the operating pressure on the street lighting team to a defined period but will also limit energy consumption resulting from festive displays.
- 3.8 Permits will only be issued to applicants once all the information requested has been received and applicants have met the conditions of the policy. Where the permit conditions have not been met by the deadlines included the policy no installations will be authorised at that location and the Council will without notice take action to remove any equipment that is affixed to its assets and equipment owners will be required to reimburse the Council's costs arising from its actions.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The total cost to the Council for festive display energy in 2022/23 was approximately £17,600. This can be expected to increase annually as energy prices continue to rise.
- 4.2 The estimated additional revenue budget requirement for some new additional seasonal staffing resource in the street lighting team to help properly administer festive displays is estimated at approximately £30,000. There is no additional budget identified for this growth, so there will need to be a corresponding reduction in annual street lighting maintenance intervention spend to cover the costs.

5.0 LEGAL IMPLICATIONS

- 5.1 Section 178 of the Highways Act 1980 enables the Council to control the erection of apparatus on or over the highway, including seasonal decorations, by way of a permit. The recommended policy sets out how consent can be obtained, the standards that must be met, and the general conditions that will apply for any prospective organisers looking to install festive displays within the public highway in Wirral.
- 5.2 The delivery of festive displays is governed by national legislation and guidance relating to objects on the highways, health and safety regulations, obtaining necessary permissions permits, ensuring electrical safety, addressing accessibility and environmental concerns. Liability for accidents, public disturbance, and environmental impact are addressed in the recommended policy.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 The resource requirements to introduce a policy will be minimal as it serves to streamline and formalise already existing permitting processes. However, resources will be required to support organisation pre-implementation, and this will need to be supported by the Neighbourhoods Engagement team. Further additional seasonal technical and administrative staffing resources are necessary, within the street lighting team, irrespective of whether the policy is introduced or not, to properly manage festive displays going forward. However, resource requirements will be greater should the policy not be approved, along with a commitment to enforce it, because of the significant officer time taken dealing with non-compliance to permit conditions and enquiries to extend or change displays beyond their permitted scope.
- 6.2 Corporate digital support will also be required to develop a new landing page for festive display information and signposting for applicants.

7.0 RELEVANT RISKS

- 7.1 Managing risk is a central theme of the 'Well-managed Highway Infrastructure: A Code of Practice'. Highways Operational Services manages its street lighting assets in line with this risk-based approach as outlined in the Council's Highways Infrastructure and Asset Management Strategy. This aims to identify likely risks that

will prevent the Council in achieving its objectives and providing a proportionate response to mitigate or reduce its impact. Lack of a documented and approved policy for festive displays is one of the identified risks.

- 7.2 The recommended policy aims to address the public safety risks surrounding the installation of festive displays on Council owned assets, including street lighting infrastructure and highway trees, ensuring a robust and standardised process is delivered to assess, inspect, manage and monitor any operation on street lighting assets. This includes liability risks (e.g. injury or damage), financial risk associated with unforeseen costs or fines, and operational risk associated with unplanned works and lack of resources.
- 7.3 If a policy is not introduced and the Council continues to struggle to enforce the conditions of the permits it issues for festive displays, then there are public safety risks resulting and consequent legal and financial liability risks for the Council as a result.

8.0 ENGAGEMENT/CONSULTATION

8.1 To support the development of a festive display policy, the service facilitated a focus group on 12 July 2023 with festive display organisers. Four groups, one from each of the borough's four parliamentary constituencies invited and three attended. The aim of the focus groups was to:

- Give groups an opportunity to tell the Council why they operate festive displays;
- To discuss what works well and what could be improved in the relationship/interface between festive display groups and the Council;
- To discuss policy proposal ideas and gather feedback; and
- To give groups a chance to give any other feedback on their experiences and thoughts around festive displays.

8.2 Key takeaways from the focus group included:

- Need to improve group/Council interface with better response and potentially a dedicated point of contact;
- Groups share limited resource to install displays so need some flexibility in period to erect installations;
- Groups receptive to a deadline for application submission;
- Groups receptive to contributing 50% energy costs, however they would not welcome paying 100% energy costs or liaising directly with an energy supplier as this would create additional resource burdens and would push some groups to walk away;

- Groups would like a one-stop-shop landing page on the Council website with all festive display permit resources available;
- Groups would welcome a standardised process;
- Groups receptive to limiting display sizes to previous years and the display period, with sufficient time allowed to remove installations;
- Groups would like the option to request display size increases after a certain number of years;
- Groups approached the application for festive displays differently and their knowledge of requirements differed in some areas.

8.3 The Council has committed to offering a pre-implementation workshops with all current and prospective festive display organisers ahead of any new policy being brought forward. These are proposed to take place in spring 2024.

9.0 EQUALITY IMPLICATIONS

9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision or activity.

9.2 The equalities impact assessment for this report can be found here:
<https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The scale of festive displays has increased as has the energy consumption over the last decade. The festive display policy aims to address climate implications through minimising energy usage through limiting display sizes and operating periods. The Council also encourages the use of smart technologies and energy-efficient equipment that will limit the financial and carbon outputs and the occurrence of daytime burning. The council is currently procuring all its street lighting energy through 100% green electricity sources.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 Festive displays can support community wealth by stimulating local businesses, artisans, and tourism through increased foot traffic and festive events. Collaborative partnerships for display creation foster community cohesion, while temporary job opportunities arise during installation and maintenance. Festive displays also promote community identity and pride, encouraging residents to take an active role in their area's appearance. This policy will support the continued delivery of festive display and, when strategically approached, amplify economic growth, enhance social bonds, and contribute to community well-being.

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APPENDICES

Appendix 1 – Festive Display Policy & Application Criteria 2024

BACKGROUND PAPERS

Highways Act 1980
Wirral Council Climate Emergency Action Plan
Highways Infrastructure and Asset Management Strategy 2020
Festive Display Decorations 2023 - cover letter, Summary of Information Required;
Guidance Notes and Application Form

TERMS OF REFERENCE

This report is being considered by the Environment, Climate Emergency & Transport Committee in accordance with section (b) of its Terms of Reference, in relation to all highways matters and as highway authority, street authority, bridge authority, including but not limited to public open spaces, street furniture on the highway and open spaces or parts of open spaces immediately adjacent to the highway.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
None	N/A