



ENVIRONMENT, CLIMATE EMERGENCY AND TRANSPORT COMMITTEE

Wednesday, 20 September 2023

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

REPORT SUMMARY

The purpose of this report is to introduce a new policy for festive display permits, which aims to streamline and standardise the process while minimising potential liability and risks to the Council.

This report deals with the key aspects of the proposed policy, its benefits, and the mechanisms through which it will address existing challenges and enhance the Council's capacity to manage festive displays effectively. For proportionality, this report will deal only with any material changes to the current guidance/application processes.

The recommendation supports the Wirral Plan priority 'Safe and Vibrant Communities': 'Working for safe and vibrant communities where our residents feel safe, and are proud to live and raise their families'.

This matter affects all wards within the borough. The matter is a Key Decision.

RECOMMENDATION

The Environment, Climate Emergency and Transport Committee is recommended to:

1. Approve the recommended new Festive Display Policy (policy document provided in Appendix 1).

SUPPORTING INFORMATION

1 REASONS FOR RECOMMENDATION

- 1.1 Festive displays hold an integral place in Wirral's communities, bringing joy and vibrancy during the celebratory seasons. However, the increasing complexity and scale of such displays necessitate a comprehensive and transparent approach in managing them. By establishing a clear and well-defined policy, the Council reaffirms its commitment to facilitating festive displays in Wirral while upholding the principles of responsible governance and prudent risk management.
- 1.2 The proposed 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. The proposed policy not only aligns with the Council's practices and 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 public.
- 1.3 The management of festive displays by the Council is a discretionary service and there is currently no formalised or agreed policy for how the Council manages festive display applications and installations. Although the operation of festive displays is governed through broad guidance and legislation (notably the Section 171 - 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 led to inefficiencies, ad-hoc and reactive processes, and poor risk and issue management, often resulting in extra cost to the Council.
- 1.4 In the last 10 years, the number of regular applications for festive displays has risen from 10 to 18 (80% increase), whilst the available officer resource within the Council's street lighting team responsible for managing them has decreased significantly.
- 1.5 In addition to the number of festive display applications, the scale of each display has increased, as has the operating period (much earlier and beyond the 'festive' season). Despite broad efficiencies in lighting equipment and technologies over the last 10 years, the total kilowatt hour usage across all displays has increased significantly. In some cases, displays have seen a 600% increase in energy usage over this period.
- 1.6 These increases have placed pressure on the street lighting team in terms of administering, managing, and monitoring the installations at a time when resources are limited. The approval of a festive display policy will

allow for better resource management and allocation to facilitate robust processes.

- 1.7 The proposed policy will enable the operational service to allocate its limited resources and plan effectively, whilst recouping some of the operational costs. This way, festive displays can be built into business-as-usual resource allocation, and this will limit any risks associated with current processes. In addition, the policy is fair and clear on non-compliance and approval of this policy will give the service greater powers for enforcement where necessary.
- 1.8 The policy will serve to improve transparency of process and decision making for display organisers and gives clear and defined policy principles which they will have to adhere to. A standardised approach will give parity across all groups on how they are assessed and managed by the Council.
- 1.9 The recommended policy (as set out in Appendix 1) will bring together national guidance and legislation governing festive displays and introduce new local policy principles. This option represents a balance between managing Council resources and supporting organisers with their festive displays. Material policy content includes:
 - Introduction of 50% payment by festive display community groups towards the Council's energy usage costs.
 - Introduction of a submission deadline and cut off.
 - Limited festive display sizes/scale.
 - Defined operating period.
 - Transparent policy on non-compliance and enforcement.

2 OTHER OPTIONS CONSIDERED

2.1 Do nothing

2.2 This option would see the service continue 'as is' in the way it manages festive display permits. The absence of a formalised policy means the service will continue to operate in an ad-hoc and inefficient manner, incurring costs and increasing risk associated with assessing applications and inspecting installations. It is also noted that the approach to submissions and quality of information supplied by display organisers is varied, increasing time taken to assess applications.

2.3 Increased cost recovery

2.4 This option introduces all of the policy principles as in the recommended option; however this policy would introduce further measures, including:

- Being 100% responsible for their energy costs and administration. This option would require display organisers to provide the details of a 'Meter Point Administration Number' (MPAN) on their application. This is applied 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.
- Limiting the total number of displays across the borough to reduce administration costs.

3 BACKGROUND INFORMATION

3.1 Application Process

If approved by the Council, festive displays are provided and installed by local community groups at their own cost, usually financed by local fundraising 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 affixed 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, adhere to legislation and best practice, and that they are safe. In the absence of a policy, current processes allow for sporadic submissions, ad-hoc processes and unforeseen pressures on resource. Limited officer resource to administer,

manage and monitor these installations increases such risk but a standardised policy would provide the required mitigation by defining and limiting the submission date. This would allow the service to forecast and adequately resource this process during this known period and build this in as part of business as usual.

3.2 Limit Display Sizes and Operating Periods

3.3 Wirral Council has declared a Climate Emergency. It has been observed over the last 10 years that the scale of festive displays has increased as has the energy consumption. In addition, displays are now operating long before and beyond the festive period, with some displays present throughout the year. This has also increased the time it takes to assess and inspect each application, placing a prolonged pressure on the street lighting team as well as the increased energy consumption and cost.

3.4 The recommended 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 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.

3.5 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.

3.6 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.

3.7 Financial

3.8 The Council currently meets 100% of the energy cost for festive display installations as well as unforeseen costs associated with Council intervention where there is no choice (i.e. removal of equipment). In addition, the Council incur costs with administrating, inspecting, and monitoring each display. To recoup some of this cost at a time when they Council is facing unprecedented financial difficulty, this policy proposes that operators contribute 50% of their energy costs of their displays.

3.9 This will be calculated using information that is already required for a festive display application. The displays are essentially 'plugged into' the Council's street lighting assets via an 'unmetered supply' and the Council

is required to calculate the energy costs for each individual display using the information provided by installers on the type, power etc. 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 the recommended policy officers will calculate the cost attributable to the specific display applied for, at source, using the current energy price tariff and assess what the 50% contribution will be. As a guide, the average energy cost per display in 22/23 was £880, so a 50% contribution would be £440. However, this is purely indicative, as energy usage and costs for 22/23 ranged from less than £100 to over several thousand for some of the larger displays.

3.10 Permits will only be issued once full payment has been made.

3.11 Enforcement

3.12 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 disparate and open to challenge in the absence of a formalise or agreed policy. A policy would give weight and justification for any decision to take enforcement action against non-compliance, supported by member approval.

4 FINANCIAL IMPLICATIONS

4.1 The implementation of a festive display policy presents an opportunity to recoup a proportion of the cost incurred by the Council for energy costs. The Council will still bear the cost of 50% energy as well as costs associated with the management, monitoring and inspection of displays.

4.2 The total cost the Council for festive display energy in 2022/23 was approximately £17,600 so, indicatively, if display installations and tariffs remained unchanged, approximately £8,800 in revenue savings could be accrued under the recommended policy in future years.

5 LEGAL IMPLICATIONS

5.1 Section 178 of the Highways Act 1980 enables the Highway Authority (Wirral Council) to control the erection of apparatus on or over the

highway, including seasonal decorations, by way of a permit. This 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 are 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 festive display policy.

6 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 The resource requirements to implement a new festive display policy will be minimal as it serves to streamline and improve an already existing process. Additional resource will be required to support organisation pre-implementation, and this will be supported by the Neighbourhoods Engagement team.
- 6.2 I.T. support will be required to develop a new landing page for festive display information and signposting for new payments.

7 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.
- 7.2 The recommended policy aims to address the risks surrounding the installation of festive displays on Council owned assets (street lighting), 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.

8 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 from each of the borough's four parliamentary constituencies; with four groups invited and three attending. The aim of the focus groups was to:

- Give groups an opportunity to tell us 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.
- 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 include:

- 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 Energy Costs

- 8.4 One of the key items for discussion was the proposal for organisers to pay 100% of their energy costs and to administer the payment directly with an energy provider. There is a precedent amongst other Councils (e.g. Cheshire West and Chester) to require organisers to apply for their own 'Meter Point Administration Number' (MPAN) which would allow for the displays to be metered and measured by the provider, with each group responsible for paying the energy provider directly for what they use. The focus group expressed that this would not be acceptable and would likely push some groups not to deliver festive displays owing to the additional administrative burden.

8.5 Pre-Implementation

- 8.6 The Council has also committed to offering a pre-implementation workshop with any festive display organisers ahead of any new policy being brought forward. These will take place in spring 2024.

9 EQUALITY IMPLICATIONS

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

10 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 The festive display policy aims to address climate implications through minimising energy usage through limiting display sizes and operating this period. The Council also encourages the use of smart technologies that will reduce the occurrence of daytime burning of festive displays.

11 COMMUNITY WEALTH IMPLICATIONS

- 11.1 Festive displays can strongly 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 2023-24

BACKGROUND PAPERS

Highways Act 1980
Wirral Council Climate Emergency Action Plan
Highways Infrastructure and Asset Management Strategy 2020

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
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