



**AD HOC SCRUTINY
REVIEW INTO THE
PROVISION OF FESTIVE
LIGHTS AND
DECORATIONS**


February 2004

**Cllr Nigel Patrick (Chair) | Cllr Michael Bower
Cllr Jean Calvert | Cllr Mary Harkin | Cllr Kenneth Sims**

Ad Hoc Scrutiny Review
The Provision of Festive Lights and Decorations

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The panel recognise that there are potential financial implications associated with some of the recommendations. Where this is the case the recommendation is annotated with a  symbol. It is hoped that implementation of the recommendations could be achieved in a cost-neutral way. Please refer to Page 23 for further information.

A summary of the panels conclusions and recommendations and the relevant evidence base can be found at page 17.

**The Overview and Scrutiny Office
The Town Hall, Huddersfield, HD1 2TA
Telephone: 01484 221908**

Email: scrutiny.office@kirklees.gov.uk | Website: www.kirklees.gov.uk/scrutiny

1. BACKGROUND

Reasons for the Review of Provision of Festive Lights and Decorations

1.1 The ad hoc scrutiny review was established following elected member concerns that the provision of festive lights throughout Kirklees is patchy and in some areas none existent.

2. TERMS OF REFERENCE

2.1 The Overview and Scrutiny Management Group agreed the work of the panel should be guided by the following terms of reference:

- The reasons why the council funds or supports festive lights and decorations (cultural, seasonal, economic etc.) and the relative benefits that arise from this support.
- Whether festive lighting is in fact a cultural celebration and, if so, whether other celebrations should be similarly funded.
- The geographical provision of festive lighting and decorations across Kirklees and reasons for any inconsistency of provision in different areas.
- How provision is co-ordinated within the council and the way in which the council works with the private and voluntary sectors.
- The extent of and reasons for any public dissatisfaction regarding the provision of festive lighting and decorations in the past and what needs to be done to improve this in the future.

3. METHODOLOGY

3.1 The Panel Members were:

- Councillor Nigel Patrick (Chair)
- Cllr Jean Calvert
- Cllr Kenneth Sims
- Councillor Mike Bower
- Cllr Mary Harkin

3.2 Officer support was provided by John Heneghan (Overview and Scrutiny Officer).

3.3 The Panel received evidence from professionals responsible for the management and delivery of the services, from external agencies and organisations involved in the provision of festive lights and decorations, and from community representatives and members of the public.

3.4 The scrutiny panel held five public meetings between June and December 2003. The panel gathered evidence from a range of departments, agencies and individuals including the Highways Service, Leisure Services, Cultural Services, Town Centre Management, Regeneration, Parish Councils, Area Committees and various external agencies and organisations who have a role in the provision of

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festive lights and decorations. The Panel also researched best and other practice in other Local Authorities throughout the UK.

4. THE REVIEW FINDINGS

4.1 The evidence received is summarised below in relation to each of the terms of reference, followed by relevant conclusions and recommendations.

4.2 Clarification of terms

The term 'organising body' is used to refer to those organisations and agencies, external to the Council, who are responsible for organising festive lights displays. A list of the organising bodies and other agencies who contributed to this review can be found at Appendix 1.

The reasons why the Council funds or supports festive lights and decorations (cultural, seasonal, economic etc.) and the relative benefits that arise from this support.

4.3 The panel received evidence from the highways service on the council's policy for supporting festive lighting. Support for festive lighting displays became the responsibility of the highways service in 1996. The funding is for festive lighting and is not limited to Christmas. The principle established was reported as being a partnership approach, with the majority of the display features being provided and maintained by Highways Services and supplied to organising bodies that erect and maintain them on the street. A proportion of the costs incurred by the organising bodies are reimbursed as a contribution from the available funds. The level of support began at 75% and was revised to 66% in 1998.

4.4 Organising bodies raise the necessary match funding by donations (mainly from local retailers which has inevitably restricted displays to Christmas) and bids for other funding support including to Area Committees or other council grants. Exceptions have occurred in Batley and Huddersfield when display periods have been adjusted to include Eid celebrations.

4.5 The policy itself does not state a reason or reasons for providing support for the provision of festive lights and decorations. However, there is a clear inference in the evidence provided by the highways service that the provision of festive lighting helps to support trade over the festive season with resulting economic benefits for Kirklees. This is further evidenced by the fact that many of the organising bodies who are involved in the provision of festive lights are concerned with the promotion of trade and commerce; for example, the prominent role of the Huddersfield Town Centre Association (HTCA) in organising displays in Huddersfield town centre. The panel heard evidence from HTCA that 35% of retail spend is carried out in the 6 week run up to the Christmas period.

4.6 The approach that has been adopted in Kirklees is to a large extent a reactive one. The main 'drivers' are the organising bodies who raise local funds, purchase some equipment, organise contractors and coordinate switch-on and associated events; with the council's main role being the provision of matched funding to help support these activities to take place and the storage and maintenance of all display

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features. Highways Services also reported that they test anchor points every second year and to date the cost has not been recharged; and that the cost of storage, electrical testing, repair and replacement is contained within the highways budget and not recharged.

4.7 The panel wanted to ascertain why and how organising bodies are involved, and what they perceived to be the benefits of festive lights and decorations. Evidence was received via two public meetings of the panel and from a written questionnaire circulated to 30 organisations.

4.8 23 responses to the questionnaire were received from organising bodies and funding contributors. The majority of respondents were business or trade associations and community associations (including local village committees etc.), with a smaller number of parish councils and private businesses.

4.9 The principal motivations for being directly involved in the provision of festive lights and decorations were cited as:

- Improving 'community spirit' in the festive season;
- Increasing local trade; and
- Custom or civic pride (improving the quality of the local area).

4.10 The respondents views on the benefits of providing festive lights and decorations corresponded with their reasons for involvement, i.e. that they increased community spirit, encouraged local trade and improved the quality of the local area.

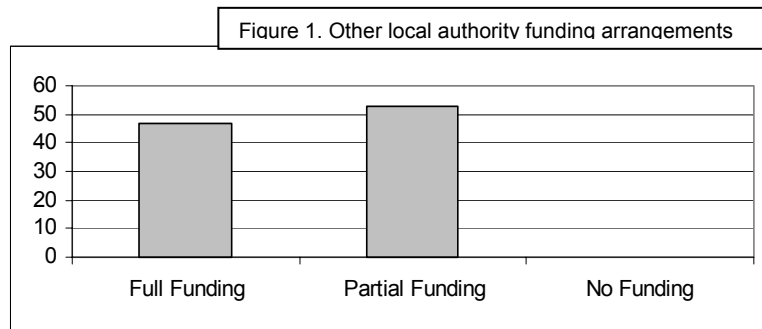
4.11 The actual benefits for Kirklees of festive lights and decorations are difficult to quantify. Many factors impact on trade in the festive season and benefits such as civic pride and improved community spirit are not easily measured. This does not mean, however, that they are not important. Displays and events simply would not go ahead without the dedication and hard work of small groups of people in local areas. The fact these groups devote significant efforts into ensuring that festive displays go ahead is evidence in itself of the importance that the individuals, groups and communities involved attach to them.

PANEL CONCLUSION
The main reason for the council to support the provision of festive lights and decorations is to support trade over the festive season, and to respond to the desire within communities to improve community spirit and civic pride. The benefits that arise from the council's support for festive lights and decorations are important, but difficult to quantify.

4.12 The scrutiny office undertook research to examine the approaches taken by other metropolitan councils across the UK. Of the 23 local authorities who responded, all supported the provision of festive lights and decorations via either full or partial funding, citing economic and community reasons as the principle benefits. Some local authorities fully fund the provision of festive lights and decorations, whereas others provide partial funding with the remaining funds being provided from a wide variety of sources including: local retail groups, chambers of commerce, town

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and parish council contributions, private sponsorship, community and voluntary groups and external funding such as neighbourhood renewal or single regeneration budget monies.



4.13 Some local authorities have been successful in securing private funds through sponsorship. For example, in the Birmingham City Council area, private companies can be involved in the festive lights switch-on event by becoming 'title', 'key' or 'general' sponsors in return for a varying range of benefits such as advertising or promotion for their company. Kirklees Council's budget for festive lights and decorations for the 2002/03 financial year was £42,000. Of this approximately £32,000 was provided as grant assistance to community organisations, with the remainder being spent on repairs, anchor bolt testing, electrical safety testing, provision of lamps, etc. and staff time.

PANEL CONCLUSION	
<p>The current Kirklees Council budget to support festive lights and decorations is not out of line with the budget provision made by other similar local authorities in the UK (some councils provide significantly more, some less) - although some councils concentrate the spending on a more limited geographical area. However, there may be further opportunities to access additional external funds or sponsorship.</p>	
<p>The remit of the lead officer with responsibility for festive lights and decorations should include sourcing the availability of additional grants or private sector investment that could supplement money raised locally by organising bodies.</p>	
PANEL RECOMMENDATION	

Whether festive lighting is in fact a cultural celebration and, if so, whether other celebrations should be similarly funded.

4.14 As indicated previously, the main benefits of providing festive lights and decorations are perceived as commercial, with recognition that this is also a traditional feature of the festive season.

4.15 While the desire to celebrate the festive season was strongly expressed, only a very small minority of respondents were motivated by reasons of religious celebration.

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4.16 The councils approach to supporting the provision of festive lights and decorations, therefore, is consistent with its broader approach to promoting and managing other festivals and cultural celebrations. Evidence received from cultural services indicated that festivals are supported in recognition of their significance in the calendar and as an opportunity to share this significance with other communities, rather than attempting to celebrate religious aspects. This includes: Christmas, Easter, Diwali, Eid, Chinese New Year and Vaisakhi.

4.17 The cultural celebrations are usually associated with an 'event', such as workshops or work with schools. For example, the Diwali festival included residencies in two schools; one of which had no Hindu students and the other a large proportion of Hindu students. The schools worked together to share their experiences and understanding. The approach taken by the Community History Service has been acknowledged as good practice nationally. The events are community celebrations which bring together a wide range of people; not just those who would normally be associated with celebrating a particular festival.

PANEL CONCLUSION
Festive lights and decorations are not provided for reasons of cultural celebration. Christmas is already promoted as a cultural celebration along with other celebrations.

The geographical provision of festive lighting and decorations across Kirklees and reasons for any inconsistency of provision in different areas.

Festive Lighting

4.18 The panel received evidence from the highways service on the level of contributions to participating organisations for the 2002/03 municipal year:

<u>Area</u>	<u>Council Grant</u>	<u>Actual Cost</u>	<u>Percentage provided by the Council Grant</u>
Birstall	£1571	NO DISPLAY	N/A
Marsden	£414	£1337	31%
Dewsbury	£8603	£10075	85%
Spenneth	£2254	£4000	56%
Meltham	£820	£1286	64%
Holmfirth	£2960	£7861	38%
Heckmondwike	£3000	£5189	58%
Huddersfield	£8599	£30350*	28%
Mirfield	£586	£3050	19%
Batley	<u>£3111</u>	<u>4550</u>	<u>68%</u>
TOTAL	£31918	67,700	50%

*includes some non-direct costs (direct costs estimated by Highways at £9,250 which equates to a comparative grant of 93%).

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PANEL CONCLUSION
The panel conclude that there are inconsistencies in the proportion of the overall cost of displays supported by council grant between different locations as the grants are based on historical costs.
The panel recommend that there should be greater consistency in the proportion of the overall cost of displays supported though council grant. It is considered that recommendations on changes to the way in which the council supports this provision detailed later in this report will go some way to ensuring that this happens.
PANEL RECOMMENDATION

PANEL CONCLUSION
The geographic provision of festive lights is not uniform, because funding support is provided in a reactive way dependant on the existence of interested groups within the community. The panel conclude that this is the right approach in principle, with the council working in partnership to facilitate provision in areas where communities show a commitment for this to happen.
The panel recommend that the principal of requiring a contribution from community groups should be maintained, so that the council is acting in partnership in response to community activity at a local level.
PANEL RECOMMENDATION

Other Decorations

4.19 Leisure Services erect and install 'Merry Christmas' signs on the four main town halls (Huddersfield, Dewsbury, Batley and Cleckheaton). Huddersfield Town Hall also displays a Diwali sign and will, in future, display an Eid sign. An Eid sign has previously been displayed on Batley Town Hall.

4.20 There has never been a fixed budget for the provision of festive lights and decorations on the town halls. Any provision has to be provided from the fixtures and fittings budget which is very limited (less than £30k for four town halls). Festive lights have not been seen as a priority in a climate of budget cuts. However, three to four years ago, £5k was allocated from a special budget for Huddersfield Town Hall, which enabled the purchase of the current white 'pea lights'. These were not universally well received, some thinking that they were not appropriate for the town hall.

4.21 Flood lighting has been provided for the town hall, which can be used throughout the year. At certain times of the year the colour gels can be changed to alter the colour of the floodlight.

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Christmas Trees

4.22 Leisure Services also provide Christmas trees free of charge to eleven areas in Kirklees (these areas relate to the original member authorities prior to the creation of Kirklees Council in 1974). Trees are provided to other areas at a cost of £450 each - these are sponsored from a variety of sources including parish councils, area committees and business organisations.

4.23 Up until and including Christmas 1992 Kirklees Council provided trees free of charge to the following towns and villages:

4.24 Huddersfield, Moldgreen, Crosland Moor, Milnsbridge, Paddock, Longwood, Lindley, Outlane, Pole Moor, Dewsbury, Batley, Birstall, Heckmondwike, Cleckheaton, Mirfield, Netherton, Honley, Marsden (2), Slaithwaite, Golcar, Dalton, Netherthong, Holmfirth (2), New Mill Brockholes, Stocksmoor, Farnley Tyas, Lepton, Highburton, Kirkburton, Shelley, Shepley, Birdsedge, Upper Denby, Denby Dale, Upper Cumberworth, Lower Cumberworth, Skelmanthorpe, Scissett, Emley (2), Flockton, Grange Moor, Brierfield, Whitley, Kirkheaton, Almondbury and Meltham.

4.25 In 1993 the Council agreed that trees with the exception of the four main towns in Kirklees (Huddersfield, Dewsbury, Batley and Cleckheaton) would require sponsors. The following year the seven other authority-areas that formed Kirklees Council in 1974 were brought into the equation of having a free tree. These were: Heckmondwike, Meltham, Kirkburton, Denby Dale, Mirfield, Holme Valley and Colne Valley.

4.26 Since 1993 several villages have not had trees sponsored and at present have not enjoyed a tree in their respective villages. These are, Milnsbridge, Marsden, Slaithwaite, Golcar, Dalton, Stocksmoor, Farnley Tyas, Kirkburton and Emley. However through sponsorship a few have been added to the seasonal list and include: Dewsbury Market, East Bierley, Upper Hopton, Lindley, Deighton, Earlsheaton and Marsh.

PANEL CONCLUSION

Although there is a perceived unfairness about the provision of Christmas trees to some areas free of charge, the panel consider that the current system of providing free trees to eleven areas throughout Kirklees is reasonable and that mechanisms exist for communities to access additional trees if funding can be obtained locally including via local area committees.

The panel recommends that local area committees should consider whether to fund the provision of Christmas trees for those towns and villages currently not provided with one, if there is the desire for this in the local community, or whether this provision could be facilitated by sponsorship.

PANEL RECOMMENDATION

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How provision is co-ordinated within the council and the way in which the council works with the private and voluntary sectors.

Evidence provided by organising bodies

4.27 Evidence was received from organising bodies via a questionnaire and public meetings. The questionnaire responses are summarised below:

Problems experienced

4.28 Being able to access sufficient funding was a common problem shared by the majority of respondents. However, practical problems were experienced too such as finding sufficient volunteers to help, arranging the transport and storage of lights, access to equipment to enable displays to be erected and dismantled, insurance and dealing with vandalism.

Working with Kirklees Council

4.29 The responses indicated a frustration that coverage was patchy and that provision is inconsistent. Organising bodies felt that the council could do more to provide assistance and support (not just financial support). However, it was noted that the services concerned were efficient and helpful.

4.30 There was a strong sense that the council's current role is a reactive one and that displays and events simply would not go ahead without the dedication and hard work of small groups of people in local areas. At the public meetings for outside organisations, several key themes emerged:

The provision of Christmas trees

4.31 Witnesses felt that the Council was asking a lot of the community; raising £450 was felt to be difficult for small villages. It was noted, however, that Leisure Services were as helpful as they could be.

Health and safety

4.32 Witnesses expressed concerns over health and safety issues - there was a lack of understanding amongst some local organisations about health and safety legislation and good practice. Examples were provided of people putting lights up on a voluntary basis with no technical expertise. Some witnesses felt that work was being undertaken in some parts of Kirklees on a "song and a prayer" without due consideration to health and safety and other issues.

PANEL CONCLUSION

There are concerns of a lack of understanding and some evidence of bad practice regarding health and safety requirements amongst some organising bodies.

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The level of support provided by the council

4.33 It was felt that there could be a role for the council in stepping in to take some liability, but more importantly to give proper advice and support and greater involvement in the events. Witnesses felt that some form of guidance information from the council would be helpful, with one point of contact for all advice.

4.34 In relation to the testing of eye bolts, witnesses felt that the council should provide for this service - the expense to individual organisations of arranging suitable contractors was felt to be prohibitive. The panel have now been informed that this is now carried out by Highways Service every 2 years with the cost funded from this budget.

4.35 However, while witnesses generally agreed that the council should be more proactively involved and that some services (for example, testing of eye bolts, advice, support, liability insurance) should be provided by the council across Kirklees to enable economies of scale, there was also a view that the council should not take over completely.


4.36 While the level of funding provided by the council is portrayed as 50% matched funding, in reality the council contribution can cover less than a third of actual costs because volunteer time does not count towards the level of matched funding required. Evidence provided by the highways service shows that, on average, the council grant does support 50% of direct costs. However, four of the areas get less than 50% funding.

PANEL CONCLUSION
The panel agree with the current system of only taking into account the direct costs of festive lights displays when calculating the level of matched funding required from organising bodies.

4.37 Decisions on levels of funding are generally provided in May each year but some witnesses complained that it was difficult to access funding from the council - they felt that the goal posts were constantly being moved and that confirmation of what would be supported and what would not came too late.

4.38 Some of the anchor points on buildings to which the catenary wires for festive lights displays are attached were erected a long time ago and while organising bodies assumed that permission was obtained there is no documentation to support this. However, the panel have been informed by Highways that no complaints have been received about this situation.

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PANEL CONCLUSION
There is a lack of adequately documented evidence of permissions for anchor points and associated liability. The council's legal services department could help to develop new agreements with owners of property to ensure anchor points are retained and, where necessary, new ones provided.
The panel recommends that the council undertake an audit of required anchor points to ensure appropriate legal agreements are in place and documented for all current anchor points and any new points that may be required in the future.
PANEL RECOMMENDATION 

4.39 Witnesses felt that the council should be more proactive; should erect, dismantle and “carry the can” for festive lights rather than leaving it all to lay-people; particularly in the light of stringent health and safety regulations. Organising bodies felt that if this did not happen, groups would fold and there would be no displays in some towns.

PANEL CONCLUSIONS
Organising bodies have reported a number of common difficulties and concerns including: accessing funding, finding sufficient volunteers, access to and affordability of equipment and technical expertise.
Without changes there is a risk that the burden on voluntary organisations will become too great and provision will cease in some areas.

Sharing of good practice

4.40 From the public meetings of the panel it was clear that organising bodies from different locations within Kirklees were largely unaware of how the work was undertaken in other locations and had not previously had the opportunity to discuss common problems, solutions or approaches.

PANEL CONCLUSION
There is very little networking or sharing of good practice amongst organising bodies. A single coordinator within Kirklees could draw together good practice for the benefit of existing and new organising bodies.

Town centre management / Huddersfield Town Centre Association

4.41 The panel sought the views of all organising bodies in Kirklees. The evidence provided by HTCA is detailed here separately because of the size of the festive lights displays in Huddersfield town centre and the more formalised arrangements for Huddersfield compared to some other locations.

4.42 In terms of the relationship between the council and HTCA, the panel heard evidence that HTCA is responsible for contracting the erection and dismantling of

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festive lights in the town centre. The highways service have informed HTCA that it is HTCA who are responsible for providing indemnity insurance in relation to the anchor points and for securing appropriate legal agreements with the owners of the buildings on which anchor points are located. Part of this cost will, however, be refunded through the grant.

4.43 Some legal agreements are historical and records are not available for all anchor points. New legal agreements are secured with use of expertise from the councils legal department, for which HTCA get recharged.

4.44 While HTCA accepts the need to provide indemnity for the actual catenaries and lights, they feel that the indemnity for the anchor points should be provided by the council (this costs HTCA approx. £300 per annum). Testing of the anchor points is undertaken by the councils highways service who also manage the erection of banners (the wind-loading for banners is much greater than that for festive lights), areas which are out of the control of HTCA.

4.45 It was suggested by HTCA that the council should take on the responsibility for legal agreements and indemnity in respect of anchor points. It was noted that in Huddersfield the Town Centre Management Team would willingly take on the organisation for booking banner sites.

4.46 HTCA agreed that the approach should be one of partnership involving the council, the voluntary sector and businesses. However, while HTCA receives financial support from business subscriptions, other organising bodies felt that the response from the wider business community was negative. Smaller, local businesses have struggled and cannot afford to support the process, while national chains are not interested in getting involved at a local level. Businesses feel that they already pay enough in business rates.

4.47 In order to access the grant from highways services, the HTCA has to demonstrate a significant private sector contribution. It was emphasised that this encompasses a range of festive activities, not just lights and decorations - e.g. the switch on event and marketing activities over the festive period. Private sector investment has included sponsorship. HTCA reported that 150% private sector investment had been achieved - £25K last financial year for Huddersfield, excluding labour costs.

4.48 Inflationary increases in contractors' costs created financial pressures at a time when council funding for festive lights has either stayed the same or decreased. The level of support has decreased in real terms as it has not been adjusted for inflation.

Evidence provided by council services

Highways Services and Leisure Services

4.49 To some degree the service provision has evolved over time. All the council services involved felt that this review provided a useful opportunity to review whether the council wants to be involved, and how proactively. It was thought, however, that

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if the council were to take on complete responsibility then there would be resource implications and difficulties in suppressing demand. There was also a danger that local enthusiasm and innovation could be stifled.

4.50 One of highways services principle roles in relation to the provision of festive lights and decorations is to manage and administer the councils grant system. Over recent years the budget for the provision of festive lights and decorations has reduced, while demand for displays has increased. However, the panel heard that some organising bodies receive funding from other parts of the council in addition to the highways grant (for example, funding from local area committees).

4.51 Highways are also responsible for storing, electrically testing and replacing festive lights owned by the council. The council also spend money on testing anchor bolts to ensure that they can safely take the required load; to date, external agencies have not been recharged for this. Testing is undertaken every two years. The cost of storage, electrical testing, repair and replacement is contained within the highways budget and is not recharged to organising bodies. Lamps are also provided for displays, although some organisations provide their own festoons, replace electrical wires and catenary.

4.52 The panel questioned the policy for requiring the removal of catenary wires 14 days after the end of the display. It was reported that it is not possible to test the wires in situ. Some of the wires that had been left in place had corroded quite badly and were unsafe. The primary reason for requiring removal is for health and safety, although there are also aesthetic benefits. It was expected that the contractors working for organising bodies would remove the catenaries when the festive lights displays were being dismantled.

4.53 Officers from the highways service felt that the council would not have the resources to take on responsibility for erecting and dismantling festive lights displays in addition to the support they currently provide. Officers from Leisure Services also felt that they do not have the current capacity to do anything further. The panel questioned the degree of coordination between the various council departments and other agencies involved in the provision of festive lights and decorations; and, in particular, whether officers felt that provision could be coordinated by one service area incorporating an advisory function. It was acknowledged by officers from all the relevant departments that this would merit further consideration, but may have resource implications. Some council officers felt that there have been difficulties in coordination with town centre management, for example, in relation to the timing of switch on events.

4.54 Advice is currently provided to organising bodies, but in a very fragmented way and officers felt that opportunities exist for more joined up provision. It was also felt that more proactive promotion and marketing could be facilitated, on an all-year-round basis although it is accepted that available funding is limited.

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PANEL CONCLUSION

Council advice to organising bodies is provided in a fragmented way. There are opportunities to work more proactively, e.g. in relation to promotion and marketing and for better linkages with other events and festivals management activities. There have been some perceived difficulties in coordination both within the council and between the council and organising bodies. However, there is agreement among organising bodies that while the council could and should be more supportive it shouldn't 'take over' completely.

The panel recommend that a coordinator for festive lights and decorations should be established to help build on existing good practice with regard to current events and festivals management. This could be a new post or additional responsibility for an existing post holder.

The coordinator would act as the single point of contact for all enquiries relating to festive lights and decorations, be responsible for the provision of information and advice to organising bodies, facilitating the sharing of good practice between organising bodies, the administration of the grant system and ensuring effective liaison with and commissioning of appropriate services from other council departments.

The panel feel that the coordinating service within the council should commission Highways Services to erect and dismantle displays (either directly or by sub-contract); and that Highway Services should continue to store and electrically test displays.

PANEL RECOMMENDATIONS

Legal Services and Strategic Finance

4.55 To enable the panel to reach informed conclusions on issues of legal liability and insurance provision, the panel received evidence from a Principle Legal Officer from the council's legal department, and from the council's Risk and Insurance Manager.

4.56 The panel were reminded by organising bodies that they are largely composed of volunteer lay people who may not have technical expertise or expertise relating to legal and insurance issues. These organisations are very good at raising funds in the local community, but they did not feel they should be expected to erect and dismantle displays, arrange liability cover and deal with complicated legal issues without additional support from the council.

4.57 The panel questioned whether the council had provided indemnity insurance on behalf of organising bodies involved in the provision of festive lights and decorations in the past and the potential to do so in the future. It was reported that some provision had been made for Dewsbury in the past although in general terms the council has limited legal powers to do so. The councils own insurance cover is

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'catastrophe cover' which has a large excess (approx. £109k, charged to Kirklees Insurance Fund). Under the rules of this cover, payments cannot be made to outside organisations.

4.58 The panel heard that if powers did exist to include this indemnity within the council's own policy, the policy would not be suitable for organising bodies given the large excess. The council could potentially provide assistance to arrange a block policy on behalf of the organising bodies, which might result in a small saving. It was acknowledged that while the potential for a claim was remote, that if a claim did arise the costs could be substantial and that the level of cover needs to reflect this. Some economies of scale might be possible. (This approach is currently being undertaken to assist in arranging a block policy for organisations involved in woodlands work).

4.59 The panel asked for clarification on the process for securing legal agreements for anchor points on buildings. The council's legal department negotiates formal licenses with building owners giving the council the right to anchor onto their property on the provision that the council provides indemnity against damage. The current system is somewhat ad hoc, with some agreements being dealt with under formal license and others by exchange of correspondence. Neither approach provides long term security, as the agreements are rescindable at short notice and cease to have effect if the building changes ownership. It can be a difficult and time consuming process establishing who holds the freehold in the property and obtaining the necessary permission from all the tenants. In one case, it took nearly 12 months to complete a licence.

4.60 The panel questioned whether it was possible in principle to secure an agreement which would run in perpetuity even if the property's ownership changed. It was reported that it was possible but would likely be an expensive option. Under the current system of formal licenses, an average agreement might cost in the region of £2k to agree the licence and £150 per year for the right to have the anchor on the building.

4.61 Legal agreements are negotiated between the council and the building owners. Legal assistance could not be provided to outside organisations by the council, although the panel were advised that if a formal partnership were developed, legal work could be undertaken on the partnerships behalf, provided there was no conflict of interest. The panel questioned whether there would be any potential implications should the council provide advice to outside organisations, for example, on issues of health and safety. It was reported that there could be issues around professional negligence if the advice was incorrect and resulted in a loss to a third party.

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PANEL CONCLUSION

Organising bodies are currently responsible for arranging liability insurance for anchor points, eye bolts and any liability associated with the erection and dismantling of festive lights displays and any incidents that may occur while the displays are up. The panel do not feel that this approach is sustainable or effectively managed across Kirklees. The alternative approaches available include:

- Forming legal partnerships between the council and each of the organising bodies, to enable the council to provide legal advice and arrange block insurance cover on the organising bodies' behalf.
- The council agreeing to take on some activities and associated liability

The panel recommends that the council should take on the insurance liability associated with anchor points as part of the process of negotiating agreements with buildings owners for the citing of anchor points. In line with the previous recommendation that Highways Services should be commissioned to erect and dismantle displays, the liability associated with these activities would then fall within the council's existing insurance cover.

PANEL RECOMMENDATION 

The extent of and reasons for any public dissatisfaction regarding the provision of festive lighting and decorations in the past and what needs to be done to improve this in the future.

4.62 Huddersfield and Batley Town Halls have had a limited display of white lights. Complaints were received last year from people who did not see the Merry Christmas sign. These lights are erected by the council (they are put up by Leisure Services on behalf of Cultural Services).

4.63 In Huddersfield, the Town Hall has been described as a "black hole" during the festive season. It was considered by some that this presents a poor civic image for a major building. Similar opinions were expressed in relation to the market place at Batley - a focal point in the town centre without lights.

4.64 A number of witnesses commented on the perceived unfairness about the provision of Christmas trees to some areas free of charge.

PANEL CONCLUSION

There has been some public dissatisfaction regarding the absence of lighting displays in prominent civic areas.

Although there is a perceived unfairness about the provision of Christmas trees to some areas free of charge, the panel considered that the current system of providing free trees to 11 areas throughout the authority is reasonable and that mechanisms exist for communities to access additional trees if funding can be obtained locally, for example from the area committee.

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5. SUMMARY OF THE EVIDENCE BASE FOR THE PANELS CONCLUSIONS AND RECOMMENDATIONS

5.1 Ad hoc scrutiny reviews work within agreed terms of reference to reach conclusions and recommendations based firmly on the evidence received. The following provides a brief summary of the evidence base for the panel's conclusions and recommendations:

<u>Evidence</u> →	<u>Conclusions</u> →	<u>Recommendations</u>
<p>The councils approach to supporting festive lights has evolved over time.</p> <p>Evidence provided by organising bodies indicated a need for more guidance and support from the council with a single point of contact for advice. There have been difficulties of coordination both between council departments and between the council and organising bodies. The councils approach to managing festivals and events is recognised as good practice.</p> <p>There is very little networking or sharing of good practice amongst the external groups.</p>	<p>Currently advice is provided in a fragmented way. There have been perceived difficulties of coordination both between council departments and between the council and external groups.</p> <p>There are opportunities to work more proactively, e.g. in relation to promotion and marketing and for better linkages with other events and festival management activities.</p>	<p>The panel recommend that a coordinator for festive lights and decorations should be established and consider that this post would be best placed within Culture and Leisure Services, to help build on existing good practice with regard to current events and festivals management. This could be a new post or additional responsibility for an existing post holder.</p> <p>The coordinator would act as the single point of contact for all enquiries relating to festive lights and decorations, be responsible for the provision of information and advice to organising bodies, facilitating the sharing of good practice between organising bodies, the administration of the grant system and ensuring effective liaison with and commissioning of appropriate services from other council departments.</p>
<p>Although advice is given, some organising bodies are unaware of health and safety implications associated with erecting and dismantling festive lighting displays. There have been some examples of festive lights displays being erected and dismantled by unqualified</p>	<p>There are concerns of a lack of understanding and some evidence of bad practice regarding health and safety requirements among organising bodies.</p>	<p>The panel feel that the coordinating service within the council should commission Highways Services to erect and dismantle displays (either directly or by sub-contract); and that Highway Services should continue to store and electrically test displays.</p>

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<u>Evidence</u> →	<u>Conclusions</u> →	<u>Recommendations</u>
<p>volunteers.</p> <p>Currently the council provides grant support to organising bodies, who then have to individually arrange for a suitably qualified contractor to erect and dismantle displays. Such contractors are in short supply.</p>	<p>Organising bodies have experienced a number of common difficulties and concerns including: accessing funding, finding sufficient volunteers, access to and affordability of equipment and technical expertise.</p> <p>Without changes there is a risk that the burden on voluntary agencies will become too great and provision will cease in some areas.</p>	
<p>The survey of approaches taken by other local authorities indicates that the council budget for festive lights and decorations is in line with that for similar councils. Some councils have been successful in accessing additional external funds and sponsorship.</p>	<p>The current Kirklees Council budget to support festive lights and decorations is not out of line with the budget provision made by other similar local authorities in the UK (some councils provide significantly more, some less) - although some councils concentrate the spending on a more limited geographical area.</p>	<p>The remit of the lead officer with responsibility for festive lights and decorations should include sourcing the availability of additional grants or private sector investment that could supplement money raised locally by organising bodies.</p>

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<u>Evidence</u> →	<u>Conclusions</u> →	<u>Recommendations</u>
	However, there may be further opportunities to access additional external funds or sponsorship.	
The proportion of the overall cost of displays supported by council grant ranges from 19% to 85% for 2002/03.	There are inconsistencies in the proportion of the overall cost of displays supported by council grant between different locations as the grants are based on historic costs.	The panel recommend that there should be greater consistency in the proportion of the overall cost of displays supported through council grant. It is considered that the above recommendations on changes to the way in which the council supports this will go some way to ensuring that this happens.
<p>If the council were to take on all aspects of the provision of festive lights and decorations there would be significant resource implications and difficulties in suppressing demand.</p> <p>Organising bodies do not want the council to 'take over' completely and stifle local innovation.</p>	The council could, and should, be more proactive and supportive, but should do so in response to community activity at a local level.	The panel recommend that the principal of requiring a contribution from organising bodies should be maintained, so that the council is acting in partnership in response to community activity at a local level.
Eleven areas are provided with	Although there is a	The panel recommends that local area committees should consider

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<u>Evidence</u> →	<u>Conclusions</u> →	<u>Recommendations</u>
<p>Christmas trees free of charge.</p> <p>Prior to 1992 significantly more villages and town were provided with a tree free of charge.</p>	<p>perceived unfairness about the provision of Christmas trees to some areas free of charge, the panel consider that the current system of providing free trees to eleven areas throughout the area is reasonable and that mechanisms exist for communities to access additional trees if funding can be obtained locally including via local area committees.</p>	<p>whether to fund the provision of Christmas trees for those towns and villages currently not provided with one, if there is the desire for this in the local community, or whether this provision could be facilitated by sponsorship.</p>
<p>Some of the anchor points were erected a long time ago and while it is assumed that permission was obtained there is no documentation to support this.</p> <p>Some anchor points are used for other council purposes, such as banner displays.</p> <p>External groups are lay people, are often composed of volunteers and lack legal expertise.</p>	<p>There is a lack of adequately documented evidence of permissions for anchor points and associated liability.</p>	<p>The panel recommends that the council undertake an audit of required anchor points to ensure appropriate legal agreements are in place and documented for all current anchor points and any new points that may be required in the future.</p> <p>The panel recommends that the council should take on the insurance liability associated with anchor points as part of the process of negotiating agreements with buildings owners for the siting of anchor points. In line with the previous recommendation that Highways Services should be commissioned to erect and dismantle displays, the liability associated with these activities would then fall within the council's existing insurance cover.</p>

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	<p>R3. The remit of the lead officer with responsibility for festive lights and decorations should include sourcing the availability of additional grants or private sector investment that could supplement money raised locally by organising bodies.</p> <p>R4. The panel recommend that there should be greater consistency in the proportion of the overall cost of displays supported though council grant. It is considered that the above recommendations on changes to the way in which the council supports this will go some way to ensuring that this happens.</p> <p>R5. The panel recommend that the principal of requiring a contribution from organising bodies should be maintained, so that the council is acting in partnership in response to community activity at a local level.</p> <p>R6. The panel recommends that local area committees should</p>	<p>Regeneration Cabinet Committee</p> <p>Regeneration Cabinet Committee</p>	<p>Yes (subject to R1 being implemented)</p> <p>Further work needed</p> <p>Yes</p> <p>Yes</p>	<p>manpower and financial) of this recommendation to be prohibitive.</p> <p>A report on different funding options will be prepared for consideration by the Cabinet Committee for Regeneration This may result in a reduction of funding in some areas.</p>	<p>Nov 04</p> <p>Nov 04</p>
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	<p>consider whether to fund the provision of Christmas trees for those towns and villages currently not provided with one, if there is the desire for this in the local community, or whether this provision could be facilitated by sponsorship.</p> <p>f R7. The panel recommends that the council undertake an audit of required anchor points to ensure appropriate legal agreements are in place and documented for all current anchor points and any new points that may be required in the future.</p> <p>f R8. The panel recommends that the council should take on the insurance liability associated with anchor points as part of the process of negotiating agreements with buildings owners for the siting of anchor points. In line with the previous recommendation that Highways Services should be commissioned to erect and dismantle displays, the liability associated with these activities would then fall within the council's existing insurance cover.</p>		<p>No</p> <p>Further work needed but see R2 for comments on erection and dismantling of displays</p>	<p>The legal costs and other resource implications are prohibitive</p>	<p>Nov 04</p>
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****f** Further explanation on potential financial implications associated with the recommendations.**

- The panel recognise that there are potential financial implications associated with some of the recommendations. They also acknowledge that any changes to the current budget for the provision of festive lights would require consideration against other budget pressures.

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Appendix 1 - List of contributors

The panel wish to thank all of the individuals and organisations who contributed to this review.

Organising bodies

Albert Mason, Marsden Community Association
Batley Christmas Lights Celebration Committee
Bernard Hanson, Shelley Community Association
Birstall-lites Committee / Birstall Village Improvement Group
David Wyles, Huddersfield Town Centre Association
Holme Valley Business Association
Lindsey Johnson, Dewsbury Christmas Lights Committee / Mirfield Christmas Lights Committee
Marsden Community Association
Meltham Lights Committee
Mike Greetham, Kirkburton Business Association
Mr Foster, Marsden Community Association
Richard Martin, Batley Town Centre Christmas Lights Committee
Royston Rogers, Parish Councillor, Netherthong
Tricia Makepeace, Dewsbury Market Traders Association

Other funding contributors

First Bus
Heckmondwike Chamber of Trade
Holme Valley Parish Council
Johnson's Wellfield
Kirkburton Parish Council
Kirkwood Hospice
Lindley Liberal Club
Mirfield Parish Council
Mirfield Town Council
Spensorough Chamber of Trade & Commerce

Other local authorities

Barnsley Metropolitan Borough Council
Bolton Council
Bradford Metropolitan District Council
Calderdale Metropolitan Borough Council
Coventry City Council
Leeds City Council
Liverpool City Council
Manchester City Council
Newcastle City Council
North Tyneside Metropolitan Borough Council
Oldham Metropolitan Borough Council

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Rochdale Metropolitan Borough Council
Sandwell Metropolitan Borough Council
Sefton Metropolitan Borough Council
Sheffield City Council
Sunderland City Council
Trafford Metropolitan Borough Council
Wakefield Metropolitan Borough Council
Walsall Metropolitan Borough Council
Wigan Metropolitan Borough Council
Wirral Metropolitan Borough Council
Wolverhampton City Council

Council Officers

Brian Haigh (Culture and Leisure Services)
David Wyles, Town Centre Manager
Geoff Hirst (Central Services Manager, Leisure and Recreation)
Howard Webb (Group Engineer, Highways and Transportation)
Julia Robinson (Town Halls Manager, Cultural Services)
Neil Heppenstall (Risk and Insurance Manager)
Ron Beedle (Principle Legal Officer)
Terry Brown (Assistant Director, Highways and Transportation)