



Vale of Glamorgan Council -
Policy for placing equipment on the Highway

Temporary Trading Area

Advertising boards

Scaffolding

Skips

Introduction:

This policy is intended to help individuals understand the permissions needed from the Council and how applications will be assessed for items such as:

- Temporary Trading Areas – tables and chairs, benches or outside trading of goods
- Advertising boards
- Scaffolding
- Skips

Although each application will be considered on its merits this policy contains key points which must be considered in every case.

Vale of Glamorgan Council supports and encourages the provision equipment on the highway asset, as they make a positive contribution by adding vitality, colour, life and interest to the street scene. They can help maximise the use of public spaces, aid the local economy and add to the facilities offered to people who visit, live, and work in the Vale of Glamorgan.

Whilst the highway maintenance team encourage this, it is important that they are properly administered and managed to ensure that they meet the high standards expected in Vale of Glamorgan Council. They should not obstruct the footway or create a hazard for pedestrians, especially for blind, partially sighted and other footway users, likewise for the purpose of advertising boards, also known as A frame boards., these cannot obstruct the free flow movement of adopted footway and the impact of traders using the outside trading space needs careful consideration.

Council officers will also be pleased to offer advice with your application with queries being submitted to highwaymaintenance@valeofglamorgan.gov.uk.

Legislative requirements:

For the purpose of this policy, outdoor trading areas and pavement cafés are considered to be tables and chairs placed on the footway where food and drink can be consumed by customers, however the same process applies for outside trading space on the adopted asset for advertising boards.

Before agreeing a licence for of outdoor trading areas and pavement cafés on a footway, the Council must ensure that the public's rights to use the footway are not detrimentally affected.

Consultation:

Before issuing any outdoor trading area or advertising board license, the Vale of Glamorgan Council have a statutory duty to consult the neighbouring properties and obtain the consent of all frontages with an interest, including publicly displaying a plan of the proposal for 7 calendar days. It is therefore advisable to speak to your neighbours regarding your proposal before submitting the application to the council.

Objections are dealt with through the Vale of Glamorgan Council, Highway Maintenance inbox highwaymaintenance@valeofglamorgan.gov.uk.

Permissions required:

Goods for sale, advertising boards, tables and chairs, skips and scaffolding placed on the adopted asset, such as footway and without permission are an illegal obstruction and no items are to be placed on the adopted asset until permission has been granted by the Vale of Glamorgan Council.

The Council will take enforcement action in such cases and this may compromise the application.

Processing of application:

As each application is different, then the time taken to process them will inevitably vary. In general, it is estimated that it will take approximately one month or less to process an application for outside trading area or advertising boards from its receipt to issuing licence. The application process will be expedited if your proposal complies with the good practice procedures contained in these guidelines, and your application is accompanied by all the required supporting information.

Insurances:

The Council will require the licensee to evidence appropriate third-party public liability insurance in the sum of at least £5,000,000.

Administration fines:

An admin fine of £111.00 plus the original licence fee will be applied where failure to obtain permission is sought from the Vale of Glamorgan Council.

Annual Fee Structure:

Street Café Licence – Annex 01:

Charges are applied annually and will run from 1st July.

It is the responsibility of the licensee to pay the fee annually and the licence does not automatically renew.

- 1 – 2 tables with up to 8 chairs / seats - £267 per annum
- 3 – 4 tables with up to 16 chairs / seats - £534 per annum
- 5 -10 tables with up to 40 chairs / seats - £1,067 per annum
- 11+ tables with over 40 chairs / seats - £1,601 per annum, plus £35 for every extra chair/ seat over 40

For the purpose of the fee, a standard bench equals 3 seats.

For the purpose of the fee, a traditional picnic table equals 1 table and 4 seats

These costs include a maximum of 1 advertising board within the space.

Permissions to use the footway for outdoor trading areas are granted under Section 157 of the Highways Act (1980).

Outside trading area for the sale of goods – Also included in Annex 01:

Under 5 square meters - £267 per annum

Over 5 square meter - £534 per annum

These costs include a maximum of 1 advertising board within the space.

Outside trading area to be no greater than 10 square meters on the adopted footway.

Advertising boards - Annex 02:

Charges are applied annually and will run from 1st July

It is the responsibility of the licensee to pay the fee annually and the licence does not automatically renew.

An application for advertising board costs £119 each with a maximum of **two** advertising boards per business. This includes any permitted under the outside trading space.

Permissions to use the footway for outdoor trading areas are granted under Section 157 of the Highways Act (1980).

Scaffolding on the highway – Annex 03:

Vale of Glamorgan Council's charges **£125.00** for applications to erect scaffolding on the highway and the charge applies for 28 days. It is the responsibility of the licensee to pay the fee annually and the licence does not automatically renew.

Contractors **must** understand and agree to the Terms & Conditions in Appendix 03. The Vale of Glamorgan Council may cancel any licence that has been granted for failure to comply with the Terms & Conditions.

The application must be received at least 24 hours before it is intended to erect scaffolding to which this application relates.

Permissions to use the footway for scaffolding are granted under Section 169 and 172 of the Highways Act (1980)

Skips on the highway- Annex 04:

Vale of Glamorgan Council's charges **£75.00** for applications to deposit builders skips on the highway. Contractors **must** understand and agree to the Terms & Conditions in Appendix 04. The Vale of Glamorgan Council may cancel any licence that has been granted for failure to comply with the Terms & Conditions.

The application must be received at least 24 hours before it is intended to deposit the skip or skips to which this application relates. The skip(s) will be deposited directly outside the place of work and will not be placed in areas with parking restrictions such as residential/permit parking zones, double yellow lines, unless formally agreed by a Highway Inspector in advance of skip being sited.

Permission may be granted under Section 139 and 140 of the Highways Act 1980 and contractor is **not** to site the skip until permission has been granted by Vale of Glamorgan Council.

Street Café Licence & Outside trading area for the sale of goods – Annex 01

The Vale of Glamorgan Council has introduced Terms and Conditions for the provision of Trading Areas for Food and Beverage on highway to apply from 1st July 2021 onwards.

1. Any business applying for outside trading space must have public liability insurance in the sum of £5,000,000 in respect of any one event and a copy of this insurance must be produced to the Council before a licence would be considered.
2. All existing Trading Areas or Street Café licences on highway or other locations previously agreed and in place will be suspended from 31st March 2020 until further notice.
3. Temporary trading areas for food and beverage will only be permitted to cafes, restaurants, public houses or other catering establishments that serve food and drink within the premises.
4. Activity in the outside space must conform to the terms and conditions of the premise trading licence relevant to the business making the application. No joint applications will be permitted.
5. Any temporary allocation of a trading area or outside space must be proportionate to the existing business operation and any internal space within the business premises.
6. Where approved, any barriers, fencing, hoarding, furniture or other apparatus may only be placed on the highway within the agreed licensed area which will be marked out with road pins and/or spray paint by the Council or their designated representative.
7. The times of operation for any outside space will generally only be permitted between 8am and 10pm daily (local restrictions may be imposed depending on location and specific circumstances). No equipment will be permitted to be stored on the highway outside of the agreed operating hours.
8. The Council's bye-laws and Public Space Protection Orders (where appropriate) as well as all other relevant policies and standards shall be complied with at all times for health, safety and environmental reasons.
9. Premises will be required at all times to operate within the assigned space when trading and strictly comply with the guidance provided by the Welsh Government for a phased reopening of the Tourism and Hospitality business.
10. All businesses that are licensed to sell alcohol will be responsible for ensuring that no drinking takes place outside of their marked licensed area as referred in clause 5 above.
11. The temporary outside area boundary of any allocated space must not impact or encroach on the safe social distancing measures to any adjacent public footway or thoroughfare as required to reasonable comply with the Welsh Government's guidelines and legislation.
12. As part of the application process, the business owner shall submit sufficient details in an appropriate format, including plans as necessary, to demonstrate how any temporary

allocation of outside space can be managed and demarcated to meet the required social distancing requirements in a safe manner.

13. No approval for a temporary trading area or allocated outside space will be considered or permitted which detrimentally impacts or conflicts with the Council's Town Centre recovery plans.
14. No music or public broadcasting of any events whatsoever will be permitted at any time within any approved temporary trading areas or outside space
15. The approval of any temporary allocation of trading areas or outside space will be considered by a 'Permitting Panel' comprising relevant officers to consider each application and grant all new licences. The authorisation of any temporary licences will be determined by the Director of Environment (the authorising officer) and the Head of Legal and Democratic Services. The decision of the authorising officer is final.
16. The granting of any temporary trading area or allocated outside space for food and beverage does not imply an exclusive right to the area. The Council reserves the right to gain access to the area for cleaning, repairing and maintaining the highway or street furniture. The Council therefore reserves the right to suspend the permission temporarily if, for any reason, it becomes necessary and to facilitate emergency access by Statutory Undertakers for the maintenance and repair of their equipment.
17. All fees associated with application and licensing of any temporary trading area or allocated outside space will be waived for the period 27th July 2020 to 31st January 2021 to assist Cafés and Restaurants etc. in the recovery phase. All costs associated with complying with the terms and conditions to implement and maintain external allocated space shall be borne by the business premises making the application.
18. All allocated outside space shall be swept and kept clear of all litter and refuse by the applicant. Spillages and breakages, especially of glass and crockery, should be cleared up immediately. The temporary trading area for food and beverage should be thoroughly washed down at the end of each trading day and all discarded cigarette stubs must be cleared.
19. All furniture used for temporary trading areas for food and beverage shall be safe and in good condition designed for commercial use and comply with:

BS EN 16139:2013 Test level 1 – 'Furniture – strength, durability and safety requirements for non-domestic seating'.

BS EN 15372:2008 Test level 2 – 'Furniture – strength, durability and safety requirements for non-domestic tables'.
20. All temporary barriers, fencing or hoarding used to enclose or demarcate the temporary trading area or allocated outside space shall be provided by the applicant and be of a portable type with an appropriate tapping rails and adjustments for the safety of disabled persons. They shall be stable and sturdy with no protruding parts and contain no

advertising other than the name of the premises which holds the licence. They must not be used to advertise services or products sold.

21. Parasols, when opened, should be safely secured and contained entirely within the boundaries of the allocated outside space or temporary trading area with a clear height of 2.3m with no elements extending outside the marked boundaries to ensure they do not cause an obstruction or present a danger.
22. Emergency exit routes from your own and adjacent buildings should not be obstructed by the temporary trading area or allocated outside space and emergency service vehicles must have access along all streets at all times, even in pedestrianised streets or areas.
23. The needs of other users of the highway will be taken into account e.g. pedestrians, tradespeople, adjacent businesses when considering any temporary trading area or allocated outside space. The safe use of adjacent footways or pedestrian areas will take precedence over any request for temporary trading area or allocated outside space when considering applications.
24. The temporary trading area or allocated outside space for food and beverages should generally occupy an area directly in front of the premises and be visible from the main business premises or staff supervised at all times of operation.
25. The responsible person for the temporary trading area for food and beverage of each premises (of who the signature is given in agreement to these conditions) will be required to indemnify the Council against all actions, demands, costs, charges or expenses arising from using the highway under the permission granted.
26. Any defects or damage to the Highway need to be reported to the Highways Department immediately regardless of cause. The cost of rectifying any damage to the highway surface or to street furniture caused by any activity connected with the temporary trading area for food and beverage operation may be recharged to the premises.
27. The Council will carry out periodic inspections to make sure that all the terms and conditions of temporary trading area for food and beverage are being adhered to.
28. The Council reserves the right to suspend or revoke any permission or licence associated with temporary trading areas or allocated outside space should businesses breach these terms and conditions or any licence agreement without notice or recourse to appeal.
29. Anti-social behaviour within or associated with any temporary trading areas or allocated outside space will not be tolerated and will also result in suspension or revocation of any permission or licence without notice or recourse to appeal and with no opportunity for re-application.
30. If you wish to serve alcohol for consumption in the temporary trading area for food and beverage, you will need a premises licence which allows for OFF sales and consumption in that defined area. A premises licence can be applied for or varied through the local licensing authority.

31. Agreement to these conditions does not give any claim to the same provisions if and when a street café licence is applied for in future. Such licences will be required in future to be able to trade on the highway once the temporary measures within these terms and conditions end. Sufficient notice will be given for such licences to be applied for (and the relevant consultation period) before the end of these temporary measures.
32. Any furniture on the Public Highway after the end of the agreement will be removed by the Vale of Glamorgan Council. Under Section 137 of the Highway Act 1980, if any person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway he is guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.
33. These terms and conditions may vary to accommodate change in circumstances, legislation or guidance produced by Welsh Government and Vale of Glamorgan policies and procedures at any time during the agreed licence period.
34. Subject to approval and granting of any temporary trading area or allocated outside space by the authorising officer each business will be required to sign a declaration agreeing the licence terms and conditions as appropriate.
35. No floor coverings are to be used to personalise the outside trading area, such as artificial grass.

Parklet areas for Food & Beverage

36. Where Parklet's have been provided by the Authority, the licensee is responsible of all maintenance costs, ensuring that general maintenance and appearance is kept to a high standard throughout the duration of the licence, including when damage is caused through vandalism.
37. Furniture left out on Parklets outside of trading hours is the responsibility of the business owner and owner are liable to ensure that items are safe and secured when not in use.
38. No trailing cables to be laid on across the adopted footway providing electricity to the freestanding Parklet. Overhead cables subject to approval providing sufficient detail is provided to the Highway Maintenance Manager. Any overhead cables are to have a minimum of 2.3m clearance.
39. No bottled gas heaters to be permitted on the Parklet unit.

Advertising boards - Annex 02:

Section 137(1) of the Highways Act 1980 states that:

“If a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway they are guilty of an offence and liable to a fine not exceeding £1,000.”

Lawful authority is granted by the Local Authority (in this case Vale of Glamorgan Council) as the Highways Authority by means of a licence.

Section 149 of the Highways Act 1980 states that:

“(1) If any thing is so deposited on a highway as to constitute a nuisance, the highway authority for the highway may by notice require the person who deposited it there to remove it forthwith and if he fails to comply with the notice the authority may make a complaint to a magistrates’ court for a removal and disposal order under this section.

(2) If the highway authority for any highway have reasonable grounds for considering— (a) that anything unlawfully deposited on the highway constitutes a danger (including a danger caused by obstructing the view) to users of the highway, and (b) that the thing in question ought to be removed without the delay involved in giving notice or obtaining a removal and disposal order from a magistrates’ court under this section, The authority may remove the thing forthwith.”

1. There is a maximum of **two** advertising boards per premise. If more than two advertising boards are placed on the highway then this is a breach of the terms and conditions so any licences that have been obtained will be revoked with no right to appeal.
2. Any business applying for advertising board must have public liability insurance in the sum of £5,000,000 in respect of any one event and a copy of this insurance must be produced to the Council before a license would be considered.
3. The application for advertising boards last for one year and renewal is not automatic and is the business owner responsibility to ensure they renew the licence. Failure to do so will result in the advertising board being removed from site and destroyed after **28 days**.
4. Where approved, advertising boards may only be placed on the highway within the agreed licensed area which will be marked out with road pins and spray paint by the Council or their designated representative.
5. The Council’s bye-laws and Public Space Protection Orders (where appropriate) as well as all other relevant policies and standards shall be complied with at all times for health, safety and environmental reasons.
6. No approval for advertising boards will be considered or permitted which detrimentally impacts or conflicts with the Council’s Town Centre recovery plans.
7. The approval of any advertising boards will be considered by a Highway Maintenance Manager or appointed officer. The decision of the authorising officer is final.
8. The granting of advertising boards does not imply an exclusive right to the area. The Council reserves the right to gain access to the area for cleaning, repairing and maintaining the highway or street furniture. The Council therefore reserves the right to suspend the permission temporarily if, for any reason, it becomes necessary and to facilitate emergency access by Statutory Undertakers for the maintenance and repair of their equipment.

9. Emergency exit routes from your own and adjacent buildings should not be obstructed by the advertising board and emergency service vehicles must have access along all streets at all times, even in pedestrianised streets or areas.
10. The needs of other users of the highway will be taken into account e.g. pedestrians, tradespeople, adjacent businesses when considering any temporary trading area or allocated outside space. The safe use of adjacent footways or pedestrian areas will take precedence over any request for temporary trading area or allocated outside space when considering applications.
11. The advertising boards should only occupy an area directly in front of the premises and be visible from the main business premises or staff supervised at all times of operation.
12. The responsible person for advertising boards (of who the signature is given in agreement to these conditions) will be required to indemnify the Council against all actions, demands, costs, charges or expenses arising from using the highway under the permission granted.
13. Any defects or damage to the Highway need to be reported to the Highways Department immediately regardless of cause. The cost of rectifying any damage to the highway surface or to street furniture caused by any activity connected advertising board may be recharged to the premises.
14. The Council will carry out periodic inspections to make sure that all the terms and conditions of advertising boards are being adhered to. Any breaches in conditions could result in advertising board being removed from site without notice.
15. Any furniture on the Public Highway after the end of the agreement will be removed by the Vale of Glamorgan Council. Under Section 137 of the Highway Act 1980, if any person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway he is guilty of an offence and liable to a maximum of £1,000 fine.
16. These terms and conditions may vary to accommodate change in circumstances, legislation or guidance produced by Welsh Government and Vale of Glamorgan policies and procedures at any time during the agreed licence period.
17. Subject to approval and granting of any temporary trading area or allocated outside space by the authorising officer each business will be required to sign a declaration agreeing the licence terms and conditions as appropriate.
18. Advertising boards are to be removed by the business outside of trading hours. Any advertising boards left outside of these hours will be removed and an administration charge of £111.00 will apply for the applicant to collect the item from The Alps Depot, Quarry Road, Wenvoe, CF5 6AA.
19. No trailing cables to be laid on across the adopted footway providing electricity to the advertising board.

20. At all times there must be a minimum of **1.2 metres** unobstructed space from the furthest limits of the advertising board. This distance allows for the free flow of highway users as well as providing enough space for those with mobility assistance vehicles or those using walking aids or other items that require a larger amount of space such as buggies.
21. Advertising boards are not permitted to be placed on the carriageway or in parking bays or places or other areas specifically designed for use by vehicles. They must not be placed next to pedestrian crossings and must not be placed on or near tactile paving. Tactile (bumpy) paving is there to guide the visually impaired to safe crossing points. Care should always be taken when placing an advertising board that it also does not interfere with street furniture and that the clear pedestrian route is also maintained when street furniture is present.
22. Where exceptional circumstances apply written permission may be granted by the Council to deviate from this rule, where it is satisfied that the granting of such permission will not cause an obstruction or present difficulties to members of the public, especially those with disabilities of any kind.
23. Advertising boards must at all times remain fully upright and in good condition. Advertising boards should therefore remain visible from inside of the building so that the licence user can ensure that this is the case. If an advertising board has fallen over then the potential hazard it can cause increases significantly and any fallen over advertising board will therefore be considered as a dangerous obstruction.
24. Under section 132 of the Highways Act 1980, no person shall affix to the highway and picture, letter, sign or other mark upon the surface of the highway or upon any tree, structure or works without express permission of the Council. The terms and conditions prohibit advertising boards from being fixed in any permanent or semi-permanent way. Excavation of the highway of any kind undertaken to secure an advertising board is strictly prohibited under any circumstance. Any person identified as breaching section 132 of the Highways Act may be liable to a Fixed Penalty Notice or prosecution in the magistrates' court.
25. All advertising boards in Vale of Glamorgan must be between maximum of 700mm wide and, from the base of the board, no more than 1000mm high. Advertising boards that are too small may not be noticed by members of the public causing a trip hazard and advertising boards that are too large can cause serious injury if they fall. For this reason any advertising board observed that is either smaller or larger than the permitted sizes will be considered as a dangerous obstruction.
26. Advertising boards and swinging advertising boards within Vale of Glamorgan are prohibited. This means that, from any direction of travel, there must only be one single foot touching the pavement or footway with no space for a walking aid or object to pass underneath the board.

**For illustrative purposes only:
Prohibited**



Permitted



27. The materials that the board can be made of are not affected, for example boards could still be made out of wood or metal provided they have a single foot meeting the floor line and are sturdy and secure.
28. It is the responsibility of the business owner in charge of the advertising board to ensure that it is correctly licenced and is only being used lawfully and is safe. The only exception to this is when the company is a Ltd. company when in which case it would be the company secretary.
29. Failure to adhere the terms and conditions of the licence that has been granted presents a safety hazard the Council and its authorised officers will operate a zero tolerance approach to any breaches of the terms and conditions or legislative requirements. Any advertising boards observed in breach of the terms and conditions will be investigated and appropriate action taken.
30. All advertising boards must adhere to the Equalities Act 2010 and must not promote or contain material that may considered to be discriminatory, cause offence or promote harassment or victimisation. All advertising boards must not discriminate against any person on the basis of age, disability, gender reassignment, marriage or civil partnership status, race, religion or belief, sex or sexual orientation. This list is not exhaustive and the Council reserves the right to take action where any advertising board could be considered to be in breach of the Equalities Act 2010 or can be considered to be inappropriate or may cause offence.
31. Where an authorised officer is of the opinion that an advertising board is hazardous then the Council may immediately remove the advertising board to be stored for **28 days** at the owner's expense. **28 days** storage fee is set at £111.00 and failure to collect the board and pay the relevant fees within this timeframe will result in the board being destroyed and all costs recoverable from the business owner.

32. In any other circumstance an authorised officer will give notice to the person appearing to be in charge of the advertising board requiring the removal of the advertising board from the highway. This notice must be complied with otherwise further enforcement action may be started or a court order sought to carry out the notices demands.
33. As advertising board offences are criminal rather than civil, prosecution is normally carried out through the Magistrates' Courts.
34. Licences are non-transferable.

Scaffolding on the highway – Annex 03:

1. No scaffolding or hoarding work will commence on the public highway without a duly authorised licence and payment of the correct fee, the application must be submitted a minimum of 5 working days in advance of the works commencing, longer application periods will be required, and additional restrictions may also be necessary where other factors affect the proposed site, traffic sensitivity, restricted working hours, restricted site access, pedestrian areas, shopping areas etc.
2. All scaffolding shall be securely erected on the day of delivery, by or under the supervision of a competent and experienced person in carrying out such work.
There shall be no surplus materials remaining on site unless within a fenced off area, also all materials are to be removed from site on day of dismantle.
3. Public must be kept safe at all time during the erecting and dismantling of Scaffolding.
4. Scaffolding must be adequately lit at all time between half an hour before sunset and half an hour after sunset, and in fog.
5. Scaffolding to be kept back 450mm from edge of curb line up to a height of 5.5m.
6. Scaffolding closer than 450mm to the carriageway edge, or the proposed site of the scaffolding is particularly liable to impact damage by passing vehicles. In these circumstances adequately secured and properly signed and guarded and lit barriers shall be provided along the face of the structure. Generally accepted are water/sand filled plastic barriers (Road wall) shall be used on all main traffic routes.
7. Where pedestrians are diverted into the carriageway, a pedestrian walkway 1.2 metres minimum width shall be provided with a robust pedestrian barrier with handrail and tapping rail. Ramps of non-slip Material shall be used to aid mobility over raised kerbs.
8. Where appropriate pedestrian access must be maintained through the scaffold and the following conditions will apply: -
 - A. A minimum head clearance of 2.3 meters will be provided
 - B. All scaffolding below 2.3 meters, including base plates/boards, shall be adequately colour contrasted by using yellow foam with red and white bunting so that pedestrians will be warned of the presence of the scaffolding.
 - C. Scaffolding to be erected so that no ties or braces obstruct the highway below the height of 2.3 metres.
 - D. A minimum width of unobstructed footway of 1.5 metres shall be maintained in busy populated areas. A minimum of 1.2 metres may be acceptable in less populated areas. The width is required is required to enable wheelchair users or those with guide dogs to pass through safely.

- 9 The licensee must ensure that the lighting and guarding complies with Traffic signs manual Chapter 8. A requirement when carrying out any work on the highway is that the -works are adequately signed and guarded and lit as stipulated in the 'Safety at Street Works and Road Works code of practice' and is to the satisfaction of the Vale of Glamorgan council.
- 10 Scaffolding must not be obstructing any Utility services, bus shelters, post boxes, or emergency exits for any commercial or residential premises. They must also not obstruct any road sign plates.
11. Hoist or pulley wheels shall be adequately fenced off, and no load shall be raised or lowered over the highway unless there is adequate protection provided by licensee for the general public.
12. Suitable measures are to be taken to prevent highway user from being struck by falling debris, materials, tools or other objects. The first lift of each scaffolding must be close boarded and monoflexed then second layer of boards on top to prevent debris, materials or other objects falling onto the highway. Covered traffic routes or passageways must be provided where necessary. The scaffolding at all times MUST be adequately secured to the adjoining structure or any externally braced to prevent displacement including resisting high winds and any other extreme weather conditions.
13. When in an emergency situation and scaffolding needs to be erected out of hours, a scaffolding permit must be submitted the next working day and Highway Authority to be informed as soon as reasonably practicable.
14. All lower ladders shall be removed or locked covered with ladder lock when scaffolding is not in use to prevent unauthorised access.
15. The name, address, office telephone number and an 'Out of Hours' emergency contact telephone number of the scaffolding contractor shall be prominently displayed on a 'Scafftag' including the signature of the competent scaffold inspector, inspection date and time. Scaffolding must be inspected on a weekly basis and 'Scafftag' must be signed by a competent person and records kept by Licensee. Failure to inspect could result in third party contractor removal with all costs recoverable.
16. The licensee will be responsible for any damage caused to the Highway Authority assets and make good any damage caused. Scaffold standards shall be fitted with suitable metal baseplates, with timber base boards where necessary to protect the asset to the satisfaction of The Vale of Glamorgan Council.
17. A copy of the permit shall at all times clearly be displayed on site through the duration of the scaffolding is erected.
18. The Licensee's attention is drawn to the Health and Safety at work act 1974, Working at Height regulations 2005 and all relevant current legislation and Codes of Practice.

Penalty for non-observance

Any damage to the highway the full costs of a repair shall be recovered by Vale of Glamorgan Council from the license holder.

- If you fail to comply to these Terms and Conditions and all relevant legislation you will be liable to enforcement action which includes Fixed Penalty Notice **Part IX of the Highways Act 1980 for Obstruction of a Highway.**
- Section 137 (Penalty for wilful obstruction) £100 Fixed penalty notice
- Section 137ZA Power to order offender to remove obstruction
- Section 169 Control of Scaffolding (Committing offence under this section) £100 fixed penalty
- Section 140 Removal of Builders' scaffolding (Power of removal and recovery of costs)
- Section 149 Removal of things so deposited on Highways as to be a nuisance etc. (Power for removal and recovery of costs)

Legal Indemnity

The License holder shall indemnify, and keep indemnified, Vale of Glamorgan Council and/or its servants and agents against liability, from all claims, demands, actions, costs and damages arising out of buy or in consequence of the depositing of scaffolding on the carriageway, footway, or grass verge. The period of indemnity is to run from the commencement of the deposition until the final removal of the Scaffolding. The licensee must have in place public liability insurance. The sum covered by the policy to be £5,000,000 for any one event with a reputable insurer. Whenever required the Licensee shall produce to the Authority the policy, or policies of insurance and the receipts of the current policy.

Skips on the highway- Annex 04:

1. Each skip shall be clearly marked with the owner's name and 24 hour telephone number.
2. Each skip will be deposited on the carriageway/verge outside or adjacent to the location applied for, with adequate protection provided to verges and road surfaces and shall be positioned so that its longer sides are parallel to the edge of the carriageway and as near to the edge of the carriageway as is reasonably practicable but ensuring it does not impede the surface water drainage of the highway nor obstruct access to any manhole or any apparatus of any statutory undertaker of The Vale of Glamorgan Council.
3. Where more than one skip is on the highway at one time, the skips shall be positioned as closely as possible to each other, but not as to obstruct access to any premises unless prior approval has been obtained.
4. Each skip shall not exceed 5 metres in length and by 2 metres in width.
5. Each skip or group of skips placed on the highway shall comply with the following requirements;
 - a. Both ends of each skip shall be painted yellow and there shall be attached below and access the top edge of each end so as to be visible to traffic, strips of material the composition of which complies with Builders skip regulations 1984 in having red fluorescent and yellow reflecting diagonal stripes. The painting and the stripes of the material shall be at all times being kept clean and not obstructed by tarpaulins or any forms of sheeting.
 - b. When a skip is placed on the carriageway it shall be guarded by at least 3 traffic cones placed on the carriageway in an oblique line on the approach side of the skip. Where 2 or more skips are deposited in a row so that the distance between adjacent skips does not exceed 2 metres the row shall be guarded as if it were one skip.
 - c. At night (that is to say, between half-an-hour before sunset and half-an-hour after sunrise)
 - i. A yellow battery-operated lamp shall be placed against or attached to each corner of the skip, or at the end corners of a row or skips where 3 or more skips are to be deposited in a row and the distance between adjacent skips does not exceed 2 metres.
 - ii. When a skip is placed in a carriageway lamps shall be placed as in 5c) i) above and shall also be placed between each of the cones referred to in paragraph 5b) above. Each lamp shall have an illuminative power of not less than one candela and shall remain lit throughout the night.
6. No skip when standing in the highway shall contain any flammable, explosive, noxious or dangerous material which is likely to putrefy and which otherwise is, or likely to become, a nuisance to users of the highway.
7. No skip shall be used in such a way that any of its contents fall onto the highway, or that there is an escape of dust from the contents.

8. Each skip shall be removed for emptying as soon as practicable and in any case no later than 2 working days after it has been filled. All waste must be contained with debris netting to prevent discharge of waste on to the highway whilst in removal.
9. No skip shall remain on the highway pursuant to this permission after the permit has expired.
10. If applications are unable to be faxed or emailed for any reason, the applicant must contact The Vale of Glamorgan Council to make a verbal application; the application form can then be posted. It is the responsibility of the applicant to record all information on any verbal application.

Penalty for non-observance

Any action taken by The Vale of Glamorgan Council to remedy a breach of these conditions, or to repair any damage, the full costs shall be recovered from the License Holder.

Legal Indemnity

The License Holder shall indemnify, and keep indemnified, The Vale of Glamorgan Council and/or its servants and agents against any liability, from all claims, demands, actions, costs and damages arising out of by or in consequence of the depositing of skips on the carriageway, footway, or grass verge. The period of indemnity is to run from the commencement of the deposition until the final removal of the skips. The sum covered by the policy to be £5,000,000 for any one event with a reputable insurer. Whenever required the Licensee shall produce to the Authority the policy, or policies of insurance and the receipts for payment of the current policy.