

## Container, Welfare Unit, Portable Toilets / Licence

### Highways Act 1980 - Section 171

#### Terms and Conditions

**The Licence (Supplier and Installer) Holder must ensure:**

1. Suitable lighting and guarding is provided and maintained in accordance with the **Traffic Signs Manual: Chapter 8 and Safety at Street and Road Works (Red Book)** for the duration of the licence.
2. All Units must have reflective strips fixed to all corners which must be maintained and kept clean and clear for the duration of the permit.
3. The unit does not obstruct any gully or inspection chamber.
4. That the unit does not block or enter any channel or gutter, nor allow units contained in them to enter drains or highway gullies.
5. That no inflammable, corrosive, noxious or explosive units are deposited under this licence.
6. That the area where the units are deposited is kept clean and tidy at all times.
7. That the highway and grass verges are suitably protected before units are placed. Any damage caused will be repaired at the applicants' expense to Cardiff Council's specification.
8. That all units are to be cleared from the Highway by the date stated overleaf.
9. All units are removed immediately at the request of any Statutory Undertaker who requires access to the site.
10. Place and maintain any warning signs as directed by Cardiff Council.
11. That material is not deposited within 8 meters of a junction.
12. That the container(s) do not obstruct street signs, utility covers, boxes, bus stops etc.
13. Units do not interfere with vision lines for traffic or pedestrians.
14. That units are not placed where parking restrictions apply (unless agreed by the Council).

15. That units are not deposited on principal routes, unless precise location is approved by Cardiff Council.
16. Neighbouring properties or businesses are made fully aware of the placement of any unit outside or near their property. Applicants must confirm that no objections are raised by neighbours prior to placement of any unit.
17. No units are to be stored on top of container(s).

## **Please be advised;**

18. Any damage to the adopted highway as a result of depositing or removal of containers will be repaired by Cardiff Council with any associated costs incurred being charged to the applicant.
19. Any other costs incurred by Cardiff Council as a result of a breach in the terms and conditions under which the licence is issued will be charged to the applicant.

## **Penalty for non-observance**

Any damage to the highway the full costs of a repair shall be recovered by Cardiff Council from the License Holder.

- If you fail to comply to these Terms & 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 willful obstruction) £100 Fixed Penalty
  - Section 137ZA Power to order offender to remove obstruction
  - Section 171 occupation of highway etc. (Committing an Offence under this section) £100 Fixed Penalty
  - 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, Cardiff 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 containers, welfare units or portable toilets 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 unit. 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.

Please send your completed application form and any required documentation / plans to:

Cardiff Council – Neighbourhood Services, Room 301, County Hall, Atlantic Wharf, CARDIFF CF10 4UW or  
- [NeighbourhoodServices-BusinessSupport@cardiff.gov.uk](mailto:NeighbourhoodServices-BusinessSupport@cardiff.gov.uk)