

# Hoarding Permit / Licence - Highways Act 1980 Section 172 / 173

## Terms and Conditions

### **The Licence Holder must ensure:**

1. All Hoardings/Heras Fences are erected by competent trained personnel.
2. 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.
3. Hoardings/Heras Fencing should be lit at all times from half an hour before sunset until half an hour after sunrise unless otherwise agreed with the Highway Inspector.
4. That hoardings/Heras Fencing are to be cleared from the Highway by the expiration date of the permit.
5. That any illegal advertising and graffiti is removed from the hoarding/Heras Fencing as soon as it is noted.
6. That the structure is whitened (ground level to a minimum of 2.3 metres) and is erected within 400mm of the kerb edge (allowing for vehicular overhang). If this cannot be maintained Cardiff Council must be consulted before work begins. Corporate colours may be approved but can only be used with the agreement of Cardiff Council.
7. That hoardings/Heras Fencing in Cardiff City Centre, shopping areas and traffic sensitive routes are to be erected and dismantled on a Sunday (unless otherwise agreed with by Cardiff Council).
8. That a minimum width of footway of 1.5m shall be maintained in busy pedestrian areas, a minimum of 1.2 metres may be acceptable in less populated areas. The width is required to enable wheelchair users or those with guide dogs to pass safely. This agreed minimum width of footway is retained for public use, this must be properly guarded and kept free from obstruction at all times. Prior to erecting, the applicant must check with Cardiff Council to ascertain the minimum distance required for the footway clearance. If the footway cannot be maintained an alternative walkway must be provided.
9. Adequate provision must be made to exclude the public from the work area during erection and dismantling of the hoarding/ heras fencing, with adequate signing and guarding of the site and any diversion routes.
10. That an emergency/out of hours contact number is attached to all Hoardings/Heras Fencing.

## 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 172 Hoardings to be set up during building etc. (Committing an Offence under this section) £100 Fixed Penalty
  - Section 173 Hoardings to be securely erected. (Power for 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, 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 hoarding 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 hoarding. 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)