



Vale of Glamorgan Council

Portable Toilet Licence

Section 171 - Highways Act 1980

Terms & Conditions

You need permission to deposit a portable toilet on the public highway, to obtain permission, please complete application form. We will assess the impact and issue permission and or guidelines, so we ensure safety and minimal disruption.

The portable toilet cubicle must be located outside the address specified on the licence and within an agreed parking bay where applicable.

Please note that a parking bay suspension may also be required depending on the location and additional fees will apply.

You do not need a licence to place a portable toilet cubicle on private land. However, you must take care if using the highway to load or unload any portable toilet cubicles on private land. If a vehicle has to cross a public footway to gain access to private land, you must request we construct a temporary or permanent crossing in that footway.

The licensee is entirely responsible for the portable toilet cubicle and must adhere to the terms and conditions set out below.

Failure to comply with these terms and conditions may result in enforcement action, including fixed penalty notices and/or prosecution. If any of the requirements of these licences are not complied with, we may take such measures as necessary to mark, guard, light or remove the portable toilet cubicle, then clean and repair the highway and the licence shall be liable for the costs incurred in such measures.

#### **Terms and Conditions:**

1. Highway Maintenance Inspectors patrol on a regular basis to make sure that portable toilet cubicles are legitimately sited, adhering to the terms and conditions set out in their licences, and promptly removed following their licence expiration date.
2. Suitable guarding is provided and maintained in accordance with the **Traffic Signs Manual: Chapter 8 and Safety and Road Works (Red Book)** for the duration of the licence.
3. The portable toilet cubicle does not obstruct any gully or inspection chamber.
4. The portable toilet cubicle does not obstruct street signs, utility covers, boxes, bus stop or other street furniture.
5. The portable toilet cubicle must be removed from the highway when the licence expires and the area must be left in a clean and tidy condition.
6. The portable toilet cubicle must not be sited within 8.0 metres of a Road junction, Bus stop/stand or terminal, Traffic signals (temporary or permanent), Pedestrian crossing, School, hospital or works entrances/exits.
7. The portable toilet cubicle shall not exceed the agreed dimensions and will be placed in the agreed location with four compliant (red/white reflective strips) pedestrian barriers surrounding it.
8. If placed in a parking bay no materials are to be stored next to the agreed space for the portable toilet cubicle.

9. The portable toilet cubicle must not be placed on yellow parking restriction lines (single or double).
10. In controlled parking zones the portable toilet cubicle must be placed in parking bays.
11. The portable toilet cubicle should be in good condition and have the owners name and contact number clearly visible.
12. The portable toilet cubicle must not prevent access to statutory undertakers equipment.
13. The portable toilet cubicle must not be dragged or pushed along the highway or any way that would cause damage to the highway.
14. The portable toilet cubicle must be removed immediately if requested by the Highway Maintenance Team, to carry out works on the highway whether emergency or planned maintenance or for an event on the highway.
15. The licence agreement will become invalid if any of the conditions are not adhered to or the licensee no longer has an interest in the project.
16. An inspection will be carried out at the expiry of the licence and should the portable toilet cubicle(s) have caused any damage to the public highway, we will carry out any necessary remedial works and re-charge all necessary costs to the licensee.
17. Any disturbance or damage to utility plant will be the responsibility of the licensee.
18. The signatory of the application is the person accepting responsibility for the compliance of all conditions and regulations associated with portable toilet cubicle on the highway.
19. The licence granted will be exercised in such a manner as not to cause a nuisance, disturbance or danger to the occupiers of adjoining properties or the users of the highway.
20. The highway will at all times be kept in a neat and tidy condition and free from obstructions.
21. We are indemnified against all claims resulting from an incident caused by portable toilet cubicles. All applicants must have public liability insurance of £5 million to work on the public highway. Failure to have insurance would result in the licence becoming invalid.
22. The licensee must comply with any direction or instruction given by the Highways Enforcement Officer.

**Please be advised:**

- Any damage to the adopted highway as a result of depositing or removal of portable toilet cubicle will be repaired by the Vale of Glamorgan Council with any associated costs incurred being charged to the applicant.
- Any other costs incurred by the Vale of Glamorgan Council as a result of a breach in the terms and conditions under which the licence is issued will be charged to the applicant. Non-compliance fee of **£100.00** per breach of these conditions.

- There may be instances whereby discretion and circumstances dictate that the above terms and conditions could vary slightly, however this will be explained in detail by an officer of the Highway Maintenance function with the decision of the Council officers being final.

### **Penalty for non-observance**

- Any damage to the highway the full costs of a repair shall be recovered by the 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 137A Power to order offender to remove obstruction
- Section 171 occupation of highway etc (Committing an Offence under this section) **£100.00** 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 Licence 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 the container 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 materials.
- The licensee must have in place public liability insurance and 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.