

Meeting of:	Cabinet
Date of Meeting:	Wednesday, 12 May 2021
Relevant Scrutiny Committee:	Environment and Regeneration
Report Title:	Neighbourhood Services and Transport - Proposed policy and fees for placing items on highway (Tables and Chairs, outside trading space, advertising boards, skips, scaffolding)
Purpose of Report:	To agree a Policy and fees for placing items on the highway.
Report Owner:	Cabinet Member for Neighbourhood Services and Transport
Responsible Officer:	Director of Environment and Housing
Elected Member and Officer Consultation:	Operational Manager - Neighbourhood Services - Operations Operational Manager - Engineering Operational Manager - Neighbourhood Services: Healthy Living and Performance Operational Manager Regeneration Principal Tourism and Marketing Officer Directorate Accountant Equality Co-ordinator Committee Reports
Policy Framework:	This is a matter for Executive decision by Cabinet.
<p>Executive Summary:</p> <ul style="list-style-type: none"> • This Report seeks the agreement of Cabinet for a new policy on placing items on the adopted highway asset. • Requests for placement of items on the adopted highway asset are controlled under Section 115E of the Highways Act 1980. • Historically, Council licence fees for adopted highway assets were set for three years and were not proportionate to the outside space required. The new fee charges proposed are based on the amount of outside space required and are annual, making them more flexible and cost effective for smaller businesses. 	

- This Report recommends that this Policy is introduced to ensure a fairer and safer use of the highway and greater opportunities for businesses, whilst also ensuring a clearer understanding of what is required from those who apply to place items on the highway asset.
- The Report also seeks to update the Skips and Scaffolding Policies to bring those into line with similar principles but does not propose a change to the fees agreed for these by Cabinet in February 2021.

Recommendations

1. That Cabinet approves in principle the proposed policy for “Neighbourhood Services – Placing of equipment on the highway asset”, as set out in this Report and at Appendix A (Annex 1 and 2) to operate from 1st July 2021.
2. That Cabinet approves in principle the proposed policies for “Skips and Scaffolding” as set out in this Report and at Appendix A (Annex 3 and 4) to operate from 1st July 2021.
3. That Cabinet receives a further report after 1st July 2022 to outline how the Neighbourhood Services- Placing of equipment on the highway asset Policy is working and whether any changes are needed.
4. That this Report be referred to Scrutiny Committee (Environment and Regeneration) for consideration.

Reasons for Recommendations

1. **and 2.** To obtain Cabinet's approval in principle of the policies.
3. To update Cabinet on the implementation of the Policy and to propose any changes (if necessary).
4. To allow this Report to be considered by the appropriate Scrutiny Committee and for any comments received to be considered by Cabinet prior to final agreement of the Policies.

1. Background

- 1.1 The Council provides several chargeable services related to the highway asset and has a duty under Section 130 of the Highways Act 1980 to ensure that the highway is not obstructed and that pedestrians have free and safe passage on its footways.
- 1.2 Historically, licences have been granted to businesses across the Vale of Glamorgan to assist them to place items such as tables and chairs on the public highway. This in turn can help them promote their business and add interest and attractiveness to the retail setting. However, resources to control and monitor any breaches or encroachment over the highway space have been limited meaning that some businesses are paying for properly authorised space, whilst others have taken space without authority for which no payment has been received. In such cases the unauthorised items could pose a risk to pedestrians as well as adding clutter to the street scene.
- 1.3 The current fee charged for outside trading space is a flat fee and is not determined by the amount of trading space (highway) occupied. The current fee of £497.50 for 3 years (2020/21) applies equally to 1 table and 4 chairs as well as

10 tables and 40+ chairs. This is particularly unfair to smaller local businesses and traders.

- 1.4** Throughout the COVID 19 pandemic Welsh Government and the Council have been encouraging businesses to allocate outside trading space. To assist this aim and to support local businesses, free licences have been granted where appropriate, to help businesses remain safe and survive during the COVID 19 pandemic. These were initially granted until 1st October 2020 and further extended to 31st March 2021 to reflect the current lockdown. Outdoor hospitality opened on 26th April 2021 and indoor hospitality will open on 17th May 2021.
- 1.5** At its meeting of 22nd February 2021 Cabinet resolved that the current arrangements for café licences be continued at no cost, to assist traders in recovering from the effects of the pandemic until such time as a new fee structure can be agreed by Cabinet in 2021/22 (min C487 refers). This report details the proposed fee structure and advises when such fees will be levied.
- 1.6** Through visits and discussions with business owners, it is clear, that many businesses often do not realise the need for continued safe pedestrian movement and that footways should remain sufficiently clear and free from obstruction.
- 1.7** Some businesses operating across the Vale of Glamorgan have multiple advertising boards (previously known as “A frame boards”), making navigating the footway difficult for individuals who are partially sighted, and unfortunately some businesses in the main towns and on Barry Island have taken over large areas of the adopted footway for the placement of tables and chairs and advertising boards causing danger and issues for people using the footway and, in some cases, providing them with an unfair trading advantage over others.
- 1.8** Increased emphasis is being placed on Town Centres by Welsh Government to support recovery post Covid 19 and these measures further support the Council’s efforts in improving the visitor experience. As restrictions ease, pedestrian numbers (both resident and visitor) will increase at both our town and resort areas, and as such there is a requirement to review the regulation of outdoor spaces not only to address the safe passage of pedestrian movement to allow for safe distancing without obstruction etc, but also to ensure a clean, tidy and pleasant environment for customers to enjoy.
- 1.9** Skips and scaffolding are often placed on the highway and this report proposes revised simpler policies for them. Although there is often a requirement for such equipment there is a need to ensure that Skips and scaffolding do not unnecessarily block pavements and roads causing danger and inconvenience to both pedestrians and road users.

2. Key Issues for Consideration

- 2.1** Section 115E of the Highways Act 1980 provides the Council with the ability to grant permission for the placing of objects or structures on, in or over a highway. The licence itself can include provisions to ensure safety on the highway. If the proposed use meets the Council's criteria and there are no objections following the statutory 28-day consultation period, then a licence for use of the highway asset would be granted.
- 2.2** Attached at Appendix A is the proposed terms and conditions for outside trading areas on the highway. The appendix details that approved licences will be valid for one year and can be revoked at any point should the applicant breach the terms and conditions attached to the licence. Having a 1 year licence, as opposed to 3 year one, allows businesses to review their needs more regularly as well as reducing the upfront fee payable.
- 2.3** As with other permissions, whilst applications are being processed businesses are not permitted to place tables and chairs or advertising boards on the highway outside their premises.
- 2.4** The proposed Annual Street Café Licence fees are competitive with neighbouring local authorities and are cheaper for smaller businesses. The fees proposed effective from 1st July 2021 are as follows:
- 1 – 2 tables with up to 8 chairs / seats - £150 per annum (£ 2.88 p/w)
 - 3 – 4 tables with up to 16 chairs / seats - £300 per annum (£5.76 p/w)
 - 5 -10 tables with up to 40 chairs / seats - £500 per annum (£9.61 p/w)
 - 11+ tables with over 40 chairs / seats - £750 per annum (£14.42 p/w), plus £35 (£0.67 p/w) 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 in this space.
- 2.5** Compared to the 2020/21 fees of annual licences for 1 to 2 tables with up to 8 seats would be cheaper than the current fee for 2021/22. The other fees would be more expensive but a very small cost per week to businesses for the extra trade and benefits that the business could receive.
- 2.6** Outside trading space can be applied for, for the purpose of selling goods from a business, such as clothes on rails/ hardware goods/ plants etc. This space is not in addition to any application for an area for tables and chairs and must not exceed the curtilage of the business and must meet highway safety standards. The proposed Annual outside trading fees are as follows:
- Under 5 square metres - £150

- Over 5 square metres £300
- No outside trading area is to be greater than 10 square metres on the adopted footway.
- These costs include a maximum of 1 advertising boards in this space.

2.7 The proposed annual advertising board fee is:

- £100 for 1 advertising board per business (where paragraph 2.6 above does not apply).
- £200 for 2 advertising boards. No more than 2 advertising boards will be permitted per business. Therefore, if you have 1 advertising board agreed with your outside trading space (as referred to in paragraph 2.6) only one further board would be allowed.

2.8 The positioning of unauthorised advertising boards can cause officers many problems when inspecting the highway asset and multiple issues for footway users, as well as adding clutter to the street scene. There are many different types and sizes of advertising boards throughout the Vale. The proposed standardisation of the type of advertising board, if accepted, will help to make the footpaths in town centres and resorts safer as well as making the street scene look more organised and welcoming.

2.9 The level of fees proposed are generally less than other neighbouring authorities and move towards the policy principle contained within the Income Generation and Commercial Opportunities Strategy, that ... "services that have the ability to achieve or exceed full cost recovery on a consistent basis are encouraged to operate more commercially in order to reduce dependence on core funding". It is proposed to keep this Policy under review and as such a further report will be presented to Cabinet after the Policy has been operational for a year. This will enable Cabinet to review the effectiveness of the Policy for businesses, residents, visitors and the Council.

2.10 Skips and Scaffolding permits have historically been extremely difficult to manage with many hours of officer time being spent challenging their position and location. Therefore, it is proposed that a simple policy is implemented setting out exactly what is expected and required. This will assist Officers in checking whether the licence is being complied with. These are covered at Appendix A Annexes 3 and 4. It is not proposed to make any changes to the existing Skip and Scaffolding fees.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

3.1 It is necessary to review fees on an annual basis to ensure the continuation of services to ensure the Policy is effective in town centres and to ensure that the costs of such licences are covered. This is undertaken in the context of the Wellbeing of Future Generations Act 2015 which requires the Council to consider

five ways of working when making decisions. Thinking to the longer-term is a key consideration when setting fees and charges, to minimise the impact on the Council's ability to provide services in the future that the current budgetary pressures present. The proposals also seek to further the Council's Well-being Outcomes contained within the Corporate Plan. Fees and charges have been proposed to further these objectives, within the context of the financial cost of doing so. There are no specific climate change implications arising from the fee increases proposed.

Long Term

- 3.2** As the COVID-19 pandemic continues many businesses across the Vale of Glamorgan are being encouraged to trade outside and it is important for the Council to ensure this is fully controlled. The Impacts Assessment Report provides the evidence of both current and future problems, trends, and opportunities to inform consideration of the long-term perspective. Improvements are needed to address the illegally placed items on the adopted footways to ensure free flowing movements for the footway users and that items placed on the footway are of the correct size and within their agreed extents.
- 3.3** The options considered in the Report offer long-term solutions to address the existing issues through implementation of a new few structure that is cheaper for smaller businesses.

Prevention

- 3.4** The options under consideration offer the opportunity to prevent obstructions on the highway from occurring by providing detailed controls for items to be properly placed on the adopted asset. The problem already exists throughout areas such as Penarth Town, Barry Island and Cowbridge and will only get worse without control. Through recent strengthening of the highway maintenance controls we will be in a better position to control these historic problems and improve the street scene.

Integration

- 3.5** The options under consideration will fit with our desire to remove sign and other clutter from the footways of our shopping and visitor area, they also provide opportunities for businesses to trade outside of their traditional business footprints, increasing the potential for greater economic activity. Better management of street furniture and signage on our footways also assists those with physical disabilities. Having proper control of business equipment on the adopted asset, in turn ensures a high-quality environment for individuals. The COVID-19 pandemic has shown that people are using their vehicles less and less, choosing to walk more than ever seen previously which enhances our environment and encourages well-being benefits for all ages.

Collaboration

- 3.6** There has been collaboration between departments within the local authority, as well as between stakeholders from tourism, town centre management teams and feedback from local business owners, influencing the fee structure and solutions proposed.

Involvement

- 3.7** The report has been developed from the experiences of dealing with traders over recent years and during the pandemic. It is likely that the use of outdoor trading space will stay popular for some time to come and the arrangement proposed allow for better opportunities for local businesses.

4. Resources and Legal Considerations

Financial

- 4.1** The fee increases outlined in this Report assist in reducing the budgetary pressures within the Directorate, the estimated income for:
- Skips is approximately £35k per annum
 - Scaffolding approximately £7k per annum

Employment

- 4.2** There are currently five highway inspectors and two technical officers that cover the management of this policy.

Legal (Including Equalities)

- 4.3** Under relevant legislation the Council is permitted to charge for certain services it provides. Full details of the relevant legislation on fees and charges is contained in the Income Generation and Commercial Opportunities Strategy.
- 4.4** An Equality Impact Assessment (EIA) has been undertaken for this Policy. The EIA shows that there is no adverse impact on protected characteristics and as such no requirement to amend the Policy.
- 4.5** Permissions to use the highway for outdoor trading and furniture are granted by the issue of permits by the Council as the Highway Authority under Section 115E of the Highways Act 1980. Tables and chairs placed on the highway without permission are an illegal obstruction and the Council will take enforcement action in such cases.
- 4.6** The Highways Act 1980 deals with the management and operation of the road network in England and Wales. Permits are granted under Part VIIA (Provision of Amenities on Certain Highways), Section 115A-115K of the Highways Act 1980.

4.7 'Highway' is defined by S115A of the Highways Act 1980, namely:

- a highway in relation to which a pedestrian planning order is in force;
- a restricted byway;
- a bridleway;
- a footpath (including a walkway as defined in section 35(2) of the Highways Act 1980);
- a footway;
- a subway constructed under section 69 of the Highways Act 1980;
- a footbridge constructed under section 70 of the Highways Act 1980;
- a highway whose use by vehicular traffic is prohibited by a traffic order but whose use by other traffic is not prohibited or restricted or regulated by such an order; and
- a local Act walkway

4.8 Section 115B-D refer to the provision of services etc. by Councils, whereas Section 115E allows for a council to grant permission to others to use objects or structures on, in or over a highway for the following purposes:

- (i) for a purpose which will result in the production of income;
- (ii) for the purpose of providing a centre for advice or information; or
- (iii) for the purpose of advertising.

4.9 Section 115F, provides that a council may grant a permission upon such conditions as they think fit, including conditions requiring the payment to the council of such reasonable charges as they may determine (being such charges as will reimburse the council their reasonable expenses in connection with granting the permission).

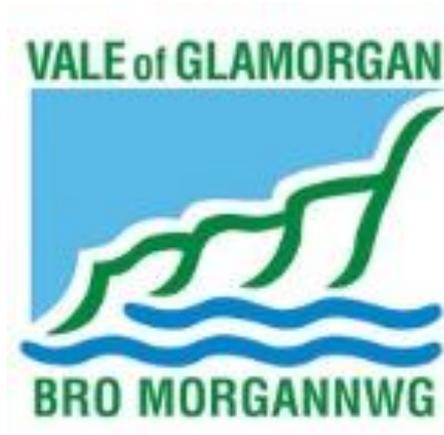
4.10 Under Section 115G, a council shall not grant any permission under section 115E unless they have first published a notice under this section specifying a period (being not less than 28 days after the publication of the notice) during which representations regarding the proposal may be made to the council.

4.11 Section 115J states that consent may not be unreasonably withheld but may be given subject to any reasonable conditions. If consent is unreasonably withheld, or is subject to unreasonable conditions, then it can be referred for arbitration.

4.12 Section 115K refers to the enforcement of the terms of the conditions: the Council may serve notice requiring the permit holder to take steps to remedy the breach within specified timescales. If this is not complied with, the Council may undertake the steps themselves and recover their costs in so doing.

5. Background Papers

Income Generation and Commercial Opportunities Strategy.



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 and
- Skips.

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

The Council supports and encourages the provision of 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 Council encourage this, it is important that they are properly administered and managed to ensure that they meet the high standards expected. 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 be pleased to offer advice with your application and queries should be 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. The same process applies for outside trading space on the adopted asset for advertising boards.

Before agreeing a licence for 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 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 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. No items are to be placed on the adopted asset until permission has been granted by the Council.

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

Processing of the application:

As each application is different, the time taken to process them will inevitably vary. In general, it is estimated that it will take approximately one month to process an application for outside trading area or advertising boards from its receipt to issuing a decision and 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 administration fine of £100 plus the original licence fee will be applied where there is failure to obtain the appropriate permission from the Council.

Annual Fee Structure:

Street Café Licence – Annex 01:

Charges are applied annually and will run from the date of issue for 365 days for outside trading areas. 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 - £150 per annum (£2.88 p/w)
- 3 – 4 tables with up to 16 chairs / seats - £300 per annum (£5.76 p/w)
- 5 -10 tables with up to 40 chairs / seats - £500 per annum (£9.61 p/w)
- 11+ tables with over 40 chairs / seats - £750 per annum (£14.42 p/w), plus £35 (£0.67 p/w) 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 metres - £150 per annum (£2.88 p/w)

Over 5 square metres - £300 per annum (£5.76 p/w)

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

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

Advertising boards - Annex 02:

Charges are applied annually and will run from the date of issue for 365 days for advertising boards. 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 £100 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:

The Council charges **£102.40** 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 and the licence does not automatically renew.

Contractors **must** understand and agree to the Terms & Conditions in Annex 03. The 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:

The Council charges **£61.40** for applications to deposit builders skips on the highway. Contractors **must** understand and agree to the Terms & Conditions in Annex 04. The 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 the contractor is **not** to site the skip until permission has been granted by the Council.

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

The 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 will be considered.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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 Tourism and Hospitality businesses.
9. 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.
10. 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.
11. 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 any required social distancing requirements in a safe manner.

12. 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.
13. No music or public broadcasting of any events whatsoever will be permitted at any time within any approved temporary trading areas or outside space
14. 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 and Housing (the authorising officer) and the Head of Legal and Democratic Services. The decision of the authorising officer is final.
15. 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.
16. 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 30th June 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.
17. 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.
18. 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'.
19. 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.

20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.

30. 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).
31. 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.
32. 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.
33. 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.
34. No floor coverings are to be used to personalise the outside trading area, such as artificial grass.

Parklet areas for Food & Beverage

35. 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.
36. 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.
37. 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.
38. 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 anything 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 £100 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 the 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 £100 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 metres will be provided
 - B. All scaffolding below 2.3 metres, 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 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 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 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.

Vale of Glamorgan Council

Outside Trading Area Terms & Conditions

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 April 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 until 1st October 2020.

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.

Vale of Glamorgan Council Advertising Boards Terms & Conditions

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 any thing 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 £100 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.

- a. For illustrative purposes only:
- b. 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 £100 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.



Vale of Glamorgan Council

Scaffolding
Terms & Conditions

Terms and Conditions:

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 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 **MUST** 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 **MUST** 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 **Must** 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 **Must** at all times clearly 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.

APPLICATION FORM



The Vale of Glamorgan Council

The Alps

Wenvoe

CF5 6AA

Telephone: (01446 700111)

Email: networkmanagement@valeofglamorgan.gov.uk

**APPLICATION FOR PERMISSION
TO ERECT SCAFFOLDING ON THE HIGHWAY
SECTIONS 169 & 172: HIGHWAYS ACT 1980**

I/We the undersigned make application to erect at:

Commencement Date: _____

Dimensions:

- Length: _____
- Width from backline of footpath: _____
- Height: _____
- in connection with: _____

Further, I/We agree that if this permission is granted, I/We will remove scaffolding on or before the _____ day of _____ 21 and make good the pavement to your satisfaction, and in the event of my/our failing to make good such surface interfered with, to your satisfaction, I/We hereby authorise you to carry out such work and charge same to.

I/We further undertake to hold the Council blameless, and to indemnify them from any costs, claims, charges, expenses or damages that they incur in consequence of the execution or otherwise of the above-mentioned works, either by myself or by the Council, or the non-performance of anything on my part herein agreed to be done.

I/We also agree not to commence the works until written permission has been received and payment of a £101.70. Licence fee per month.

For and on behalf of: _____

Date: _____ **Signed:** _____

Address: _____

_____ **Postcode:** _____

Telephone No: _____

Out of Hours Telephone No: _____

This application is approved subject to the conditions set out by Vale of Glamorgan Council and any additional requirements which may be attached thereto.

For Operational Manager Highways and Engineering.

Approving Officer (Print Name): _____

Signature: _____

Date: _____



Vale of Glamorgan Council
Builders Skip on Highway
Terms & Conditions

Terms and Conditions:

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.

Highways Act 1980 Section 139 & 140

APPLICATION TO DEPOSIT A BUILDERS SKIP
ON THE ADOPTED HIGHWAY

APPLICANT DETAILS

Name

(Full Name in block letters)

Of (Company)

*(Registered
Office if
appropriate)*

Postcode

24hr Contact number

Email

PLEASE NOTE

This application must be received **at least** 24 hours before it is intended to deposit the skip or skips to which this application relates. I/We will ensure that 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.

PROPOSED LOCATION WHERE BUILDERS SKIP IS TO BE PLACED

Address of Premises

Area/Ward

Postcode

Position

(please circle)

Carriageway

Date Skip deposited:

Date of Removal:

DECLARATION

I/We apply for permission under Section 139 of the Highways Act 1980 to deposit or cause to be deposited builders skips outside the premises mentioned above. I/We further undertake to hold Vale of Glamorgan Council blameless, and to indemnify them of any costs, claims, charges, expense or damages that they incur in consequence of the execution or otherwise of the above mentioned skips deposited, either by myself or by Vale of Glamorgan Council on the non-performance of anything on my part herein agreed to be done. I/We also agree not to site the skip until permission has been granted by Vale of Glamorgan Council. I/We are aware of Vale of Glamorgan Council's charges for 2020/2021 of **£61.00** for applications to deposit builders skips on the highway. I/We have read, understand and agree to the Terms & Conditions set overleaf. The Vale of Glamorgan Council may cancel any licence that has been granted for failure to comply with the Terms & Conditions set overleaf.

Signed:

Date:

Print Name:

To be returned to:

**Vale of Glamorgan Council, Highways & Engineering,
The Alps, Quarry Road, Wenvoe CF5 6AA.
Telephone: (01446) 700111
Email:networkmanagement@valeofglamorgan.gov.uk**

FOR OFFICE USE

Permission granted to deposit a builders skip or skips subject to the restrictions stated below and to the conditions set overleaf as applicable.

- 'Clearway' and 'No Loading' Regulations to be observed.
- Not situated within 8 metres of a junction.
- **IMPORTANT:** Skips placed without prior approval or not conforming with statutory requirements for lighting, guarding and cleanliness, are liable to be removed without reference under powers granted to the Highway Authority in the Highways Act 1980 Section 140 Paragraph (4).

Dated: _____

Signed: _____

For Operational Manager Highways & Engineering

Company Marked Details <input type="checkbox"/>	Reflective Strips <input type="checkbox"/>	Yellow Ends <input type="checkbox"/>	Adequate Lighting provided <input type="checkbox"/>	General Skip Condition <input type="checkbox"/>
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The Vale of Glamorgan Council undertakes that it will treat any personal information (i.e. data from which you can be identified, such as your name, address, e-mail address, etc.) you provide to us, or that we obtain from you, in accordance with the requirements of the Data Protection Act 1998".

Equality Impact Assessment

Including the Welsh Language and Socio-economic Duty

Please click on headings to find [general guidance](#) or section guidance with an example.

You will find supporting information in appendices at the end of the guidance.

When you start to assess your proposal, arrange to meet Tim Greaves, Equality Co-ordinator, for specific guidance. Send the completed form to him for a final check and so that he can publish it on our Vale of Glamorgan equality web pages.

Please also contact Tim Greaves if you need this equality impact assessment form in a different format.

1. [What are you assessing?](#)

Placing items on the highway

2. [Who is responsible?](#)

Name	Nathan Thomas	Job Title	Neighbourhood Manager
Team	Highway Maintenance	Directorate	Neighbourhood Services

3. [When is the assessment being carried out?](#)

Date of start of assessment	28 th February 2021
------------------------------------	--------------------------------

4. [Describe the proposal?](#)

What is the purpose of the proposal? To have a clear policy for businesses on placing items on the adopted footway. Such as, tables and chairs, advertising boards and selling of goods (For example – Hardware Shop)

Why do you need to put it in place? New policy being implemented by Highway Maintenance team.

Equality Impact Assessment

Including the Welsh Language and Socio-economic Duty

<p>Do we need to commit significant resources to it (such as money or staff time)? No</p>
<p>What are the intended outcomes of the proposal? I have given serious consideration to partially sighted and the blind when placing items on adopted asset, such as a footway.</p>
<p>Who does the proposal affect?</p> <p>All footway users of all ages - Pedestrians, mobility scooters, wheelchair users, push chairs</p>
<p>Will the proposal affect how other organisations work? No, but this policy will allow businesses to occupy space on the adopted asset.</p>
<p>Will the proposal affect how you deliver services? Yes, this has gone uncontrolled for many years in Vale of Glamorgan.</p>
<p>Will the proposal impact on other policies or practices? No</p>
<p>Can you change the proposal so that it further promotes equality of opportunity and fosters good relations? Not required.</p>
<p>How will you achieve the proposed changes? N/A</p>
<p>Who will deliver the proposal? Nathan Thomas</p>
<p>How will you know whether you have achieved the proposal's purpose? Purpose will be clearly observed and controlled. Businesses will no longer be able to cause obstructions to the footway users and available footway space will be increased.</p>

5. [What evidence are you using?](#)

The **Gunning Principles**, established from past court cases, can be helpful in ensuring we apply fairness in engagement and consultation:

Equality Impact Assessment

Including the Welsh Language and Socio-economic Duty

Principle 1: Consultation must take place when the proposals are still at a formative stage. You must not have already made up your mind.

Principle 2: Sufficient reasons must be put forward to allow for intelligent consideration and response. Have people been given the information and opportunity to influence?

Principle 3: Adequate time must be given for consideration and response. Is the consultation long enough bearing in mind the circumstances?

Principle 4: The product of consultation must be conscientiously taken into account when finalising the decision.

Have you complied with the duty to engage as described above and are you sufficiently informed to proceed?

Yes	X	No	
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Engagement (with internal and external stakeholders)

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.

Business Cabinet have been engaged with this process and proposed implementation throughout.

Consultation (with internal and external stakeholders)

Consultation has taken place with:

Operational Manger – Neighbourhood Services: Operations

Operational Manger – Engineering

Equality Impact Assessment

Including the Welsh Language and Socio-economic Duty

Operational Manger – Neighbourhood Services: Healthy Living and Performance

Directorate Account

Committee Reports

Before issuing any outdoor trading area or advertising board license, the Vale of Glamorgan Council have a statutory duty to consult the neighboring properties and obtain the consent of all frontages with an interest, including publicly displaying a plan of the proposal for 28 calendar days

National data and research

We have looked at neighbouring authorities to ensure we are being fair to Wales and Cardiff Council have a clear policy available in the public domain that sets out their requirements.

The Vale of Glamorgan Council has taken this into account and we have made our fee structure fairer to smaller businesses that only require a small quantity of furniture and the proposed fee structure is now split into smaller dominations, whereas previously the fee was set at £497.50 for any quantity.

Local data and research

Including Vale of Glamorgan Council's Community Impact Assessment.

The Highway Maintenance department receive regular complaints specific to outside tables and chairs and advertising boards and the need to formalise this process is essential to ensure the footway users can navigate the footways safely

6. [How robust is the evidence?](#)

Does it show what the impact will be (positive and negative)? Positive

What are the gaps? None, the policy has been carefully considered.

What will you do about this?

Equality Impact Assessment

Including the Welsh Language and Socio-economic Duty

What monitoring data will you collect? Feedback from businesses applying and the reduction in complaints will be monitored.

How often will you analyse and report on this? Annually.

Where will you publish monitoring data and reports? Internally stored and can be shared/published if requested.

7. [Impact](#)

Is there an impact? Careful consideration will be given to business granted outside trading space or advertising boards and should the impacts cause potential conflict then the requests will either be reduced in size or not granted.

If there is no impact, what is the justification for thinking this? Provide evidence. Each business requesting the outside trading space or advertising board will be assessed on it's own merit.

If there is likely to be an impact, what is it?

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.

Socio-economic considerations

No engagement with socio-economically disadvantaged groups has been undertaken.

Equality Impact Assessment

Including the Welsh Language and Socio-economic Duty

Welsh language

The policy and appendices will be available in Welsh once approved and translated. These documents will also be available on the Vale of Glamorgan Council. Advertising boards in Welsh will be encouraged should the businesses you

Human rights – N/A

How do you know?

Disability is the only protected characteristic that is affected by the proposals being made by the Highway Maintenance team. Careful consideration has been given to Equalities Act 2010.

What can be done to promote a positive impact?

Taking into account the comments above, I think that the impact is positive for each of the protected characteristic, for socio-economically disadvantaged groups and communities, for people wanting to use the Welsh language and for people's human rights.

What can be done to lessen the risk of a negative impact?

Is there a need for more favourable treatment to achieve equal outcomes? (Disability only)

The decision has been made by Senior Management team and Cabinet that businesses across the Vale of Glamorgan will be permitted to place items on the adopted footway so careful consideration has been given to ensure a positive outcome.

Equality Impact Assessment

Including the Welsh Language and Socio-economic Duty

Will the impact be positive, negative or neutral? Positive – as above

8. Monitoring ongoing impact

Date you will monitor progress and outcomes - Annually

Measures and outcomes that you will monitor – We will use the data gathered for our annual equality monitoring report to evaluate whether this policy is having an impact. Complaints and concerns raised during 28 day consultation period.

We will seek feedback from those organisations with whom we engaged originally.

We will report our findings to our senior management team by annually unless requested sooner.

Date you will review implemented proposal and its impact

12 monthly from implementation date.

Equality Impact Assessment

Including the Welsh Language and Socio-economic Duty

9. Further action as a result of this equality impact assessment

Possible Outcomes	Continue the policy
No major change	
Adjust the policy	
Continue the policy	<ul style="list-style-type: none"> • We could find no potential for discrimination or adverse impact. • We have taken steps to promote equality through thorough collating of information
Stop and remove the policy	

10. Outcomes and Actions

<p>Recommend actions to senior management team</p> <p>I recommend that this policy into practice. The Highway Maintenance team will monitor its impact as we describe above.</p>
<p>Outcome following formal consideration of proposal by senior management team</p> <p>I will put this policy into practice. I will report in 12 months' time on its impact on protected groups as above.</p>

11. Important Note

Where you have identified impacts, you must detail this in your Cabinet report when seeking approval for your proposal.

Equality Impact Assessment

Including the Welsh Language and Socio-economic Duty

12. Publication

Where will you publish your approved proposal and equality impact assessment?

I am happy for this assessment to be shared into the public domain.

In addition to anywhere you intend to publish your approved proposal and equality impact assessment, you must send a copy to Tim Greaves, Equality Co-ordinator, to publish on the equality pages of the Vale of Glamorgan website.

13. Authorisation

Approved by (name)	
Job Title (senior manager)	
Date of approval	
Date of review	