



Civic Centre/Canolfan Ddinesig
Newport/Casnewydd
South Wales/ De Cymru
NP20 4UR

Newport
CITY COUNCIL
CYNGOR DINAS
Casnewydd

CONTAINER LICENCE

APPLICATION PACK

HIGHWAYS ACT 1980

Contact

Tel: 01633 656 656

E-mail: street.works@newport.gov.uk

PLEASE NOTE THE FOLLOWING:

**FAILURE TO OBSERVE THE RELEVANT SECTIONS OF THE
HIGHWAYS ACT 1980 MAY RESULT
IN PROSECUTION AND MAY BE LIABLE ON SUMMARY CONVICTION
TO A FINE NOT EXCEEDING £5000 ON EACH COUNT.**

**FAILURE TO SUPPLY ALL THE REQUIRED INFORMATION
WILL RESULT IN THE APPLICATION BEING RETURNED.**

**THE COUNCIL WILL NOT RETAIN ANY INFORMATION AND
THE APPLICATION WILL NOT BE PROCESSED.**

**NO DEPOSIT OF ANY CONTAINER IN THE HIGHWAY IS TO
BE UNDERTAKEN BEFORE A PERMISSION HAS BEEN
GRANTED.**

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Part 1 - INTRODUCTION

In order to place a Container on the highway permission for each location must be obtained from the Highway Authority. Permission will only be issued subject to your undertaking to observe and abide by the conditions listed below as well as any other conditions the Highway Authority may deem necessary. Such additional conditions will be contained within the License itself. Please be aware that should you fail to observe and abide by these conditions then the applicant may be liable to prosecution under the Highways Act 1980.

You should now read and familiarise yourself with the conditions listed below. These conditions will remain in place until either legislation or policy changes or both require their revision.

Part 2 - PROCEDURE FOR APPLICANTS

The attached Application form (CONTAINER_FORM 1) must be completed by the Licensee and addressed to Streetscene, Street Works Team, Newport City Council, Civic Centre, South Wales, NP20 4UR or alternatively, emailed to street.works@newport.gov.uk

Once permission is given, the application will be confirmed via post or email with a reference number quoted at the top of the permission form (CONTAINER_PERM 2).

Should the application not be successful, the Highway Authority will contact the Licensee by telephone to advise and/or arrange an alternative location for the skip to be placed in the highway.

Part 3 - SPECIAL CONDITIONS TO PLACE, RETAIN & MAINTAIN

STATUTORY PROVISIONS:

The Permission Holder shall ensure compliance with the relevant statutory provisions. The most important statutory provisions that apply are:

- a) The Highways Act 1980: Sections 139, 140 and 171
 - (i) Section 139(4) If an owner fails to comply with any of the conditions subject to which permission was granted he shall, subject as mentioned therein, be guilty of an offence liable on summary conviction to a fine.
 - (ii) Section 139(10) Provides that nothing in the Section shall be taken as authorising the creation of a nuisance or of a danger to users of the highway or as imposing on a Highway Authority by whom a permission has been granted under the Section any liability for any injury, damage, or loss resulting from the presence on a highway of the skip to which the permission relates.
 - (iii) Section 140 Empowers the Highway Authority or a Police Officer to require the removal or repositioning or to remove or reposition a builders skip/ container deposited on the highway, even though it was deposited in accordance with the Highway Authority's permission, to recover from the licensee of the container the cost of such removal or repositioning, and to dispose of a container which is not collected by its owner. Failure to comply with a request to remove or reposition a skip under the Section may result in a fine.
 - (iv) Section 171 (1) A person may, with the consent of the highway authority for a street that is a highway maintainable at the public expense, temporarily deposit building materials, rubbish or other things in the street or make temporary excavation in it
- (b) The Road Traffic Regulation Act 1984: Sections 64 and 65
- (c) The Traffic Signs (Temporary Obstructions) regulations 1985 [S1 463]
- (d) The Builders' Skips (Markings) Regulations 1984 [1984/1988]
- (e) Control of Pollution (Amendment) Act 1989
- (f) Controlled Waste (Registration of Carriers & Seizure of Vehicles) Regulations 1991

CONDITIONS

1. No container, obstruction or projection (hereinafter called 'Container') may be erected placed or retained in, over or upon any highway in the adopted Public Highway without a valid license from the council.
2. Subject to section 171 of the Highways Act 1980, the container shall be sufficiently lighted at all times between sunset and sunrise and furthermore will be lamped and coned in accordance with the New Roads and Street Works Act 'code of practice'.
3. Each person to whom a license is granted shall fill in, level and compact any disturbed footway/carriageway/soft landscaped surface to its former condition and the council discharges its responsibility under the Highway Act (1980) in the event of any accident occurring as a result of the execution of the work, or through the failure of the surfaces, or the erection or removal of this container etc.
4. Any highway fabric taken up or any other structure belonging to the council is disturbed or damaged is to be replaced and made good by the Council at the cost of the licensee.
5. The license must be displayed, suitably protected, in a prominent position on the container.
6. Any person using any container for advertising otherwise than in accordance with the provisions of the Town and Country Planning (control of advertisements) Regulations 1984, or such other regulations as may be in force, is liable for every offence to a penalty not exceeding Four Hundred Pounds and to a further penalty not exceeding Twenty Pounds for every day during which such offence shall be continued after conviction, or such other penalty as the Regulations may impose.
7. Any person offending against the terms of this license or against the provisions of section 171 of the Highways Act 1980 shall be liable on a summary conviction to a fine not exceeding Four Hundred Pounds.
8. The licensee shall keep all Public Utility covers clear at all times and shall comply with any reasonable requirements of any statutory undertakers concerned for the protection of any apparatus belonging to or used or maintained by the undertakers or for securing access to such apparatus.
9. A license is required for each container.
10. All storm drains to be kept clear at all times and a drainage channel to be maintained at all times. The Public Highway around the site of the container shall be kept clean and tidy at all times.
11. If a container is to be placed within a Controlled Parking Zone (resident, business permit bays / meters / yellow lines etc) a separate permission must be obtained from parking services and any parking suspension fees paid to them.

Part 4 - CHARGES

In accordance with the provisions of the Local Government (Transport Charges) Regulations 1998 this Council charges are set as follows:

Determination of a Container License application for the placement of a skip on the highway is **currently £141** which, if granted is valid for a period of 28 days. Applicants should note that if an extension to permission is required, an application renewal must be received at least 1 full clear working day prior to the expiry of the original permit.

Please note the fee is non-refundable once the application has been approved.

Mae'r ffurflen hon ar gael yn Gymraeg, ffromatau eraill ar gael ar gais / This form is available in Welsh, other formats available on request

