

APPLICATION FOR A LICENCE TO STORE MATERIALS/EQUIPMENT ON THE PUBLIC HIGHWAY

Section 171 of the Highways Act 1980



GUIDANCE NOTES

A. Legal Requirements

You must first obtain a licence from Hertfordshire County Council before depositing building materials/equipment on any part of the highway which includes all footways, carriageways and verges. Hertfordshire County Council reserve the right to take action, including legal proceedings, if you fail to obtain a licence or are in breach of a condition on a granted licence. Hertfordshire County Council may also take legal action to recover any costs incurred including the costs of removing and disposing of unauthorised materials/equipment deposited on the highway.

B. Application Process

A completed application together with the non-refundable application fee and a valid copy of your certificate of public liability insurance (minimum cover of £10 million) must be submitted to Hertfordshire County Council before any materials/equipment are deposited on the highway. You should keep a copy of the submitted application. You must allow a minimum of 10 working days from date of receipt by Hertfordshire County Council to process your request for a licence. A site meeting may be required. You will be advised in writing the outcome of your application together with any additional conditions imposed.

The fee for each application will be £96 (non-refundable) for a licence up to fourteen days and £43 for each additional seven day period.

Applying for a licence does not guarantee that a licence will be issued. Storage of materials/equipment will only be permitted on the highway if it is felt safe to do so. Licences will only be granted to place materials/equipment on a carriageway of lightly trafficked roads - less than 20 vehicles in 3 minutes total 2-way flow (less than 400 vehicles/hour)

C. Conditions of Granted Licences

Standard conditions as attached to this form will apply to all licences granted by Hertfordshire County Council. Additional conditions specific to individual circumstances may also be imposed by Hertfordshire County Council when granting a licence.

D. Contact Details

All applications should be sent by email to: HighwaysBST@hertfordshire.gov.uk

Or by post to:

Hertfordshire County Council
Highways Business Support Team
Environment and Infrastructure Dept,
1st Floor (New Block)
Pegs Lane
County Hall
Hertford
SG13 8DN

If you have any queries or require further information please contact us as above or call 0300 123 4047

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E. Data Protection Act 2018

Why we need your information

The data on this form is being gathered for the purpose of obtaining a licence to store materials/ equipment on the public highway. Hertfordshire County Council will use this information to process the licence.

Hertfordshire County Council is obliged to collect and process this data under Section 171 of the Highways Act 1980.

What we will do with your information

The information you give us will be held by the Licence and Enforcement Team, Environment and Infrastructure and will only be used to process the licence.

We will only share information with third parties if we are legally obliged to do so, for example if it necessary to safeguard or protect a child.

We may also share information with the police or other agencies if it is necessary for the following purposes:

- a) the prevention or detection of crime
- b) the apprehension or prosecution of offenders
- c) the assessment or collection of any tax or duty or any imposition of a similar nature

How long we will keep your information

The information that you supply to us will be kept on file for **7** years.

[To view the County Council's privacy policy here](#)

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STANDARD CONDITIONS

The following conditions must be observed in respect of all materials/equipment stored on the public highway:

Signing and Guarding of Building Materials/Equipment

1. Each storage location must be clearly marked with the licence number, owner's name, address and a 24hour telephone number and these must be kept clean and legible at all times. The storage location shall not be used for advertising purposes
2. The materials/equipment must be lit and the lights maintained between half an hour before sunset and half an hour after sunrise. Lights shall comply with Safety at Street Works and Road Works - A Code of Practice, the Traffic Signs Regulations and General Directions, and with Chapter 8 of the Traffic Signs Manual
3. Materials/equipment shall be signed and guarded in accordance with Safety at Street Works and Road Works - A Code of Practice, the Traffic Signs Regulations and General Directions, and with Chapter 8 of the Traffic Signs Manual
4. Unless advised otherwise, both ends of the storage location shall be protected by at least four cones. These are to be placed in a tapering formation towards the material, with the cone furthest from the end at a distance not greater than 2.5m.

Highway Safety

5. The material shall not obstruct visibility of junctions, road signs, pedestrian crossings, traffic signals, other street furniture or interfere with the traffic flow
6. A 1.2m clear walkway must be maintained at all times on the footway, unless an alternative pedestrian route has been agreed
7. Materials/equipment shall be positioned so as not to obstruct the access to any premises, unless done with the consent of the owner
8. Materials/equipment are not to be positioned over gullies, fire hydrants, inspection valves or other covers, and shall be placed approximately 150mm away from the kerb edge (where stored on the carriageway) so that the surface water drainage is not impeded and materials are not washed into the drainage. When stored on the footway or verge they must be a minimum of 0.5 m from the kerb edge and stored so as material is not washed into drainage systems.
9. Materials/equipment shall not contain any flammable, explosive, corrosive, noxious materials/equipment or any material which is likely to putrefy, damage, pollute the highway or become a nuisance to users of the highway- this includes cement.

Highway Condition

10. Where permission is given for materials/equipment to be positioned on a verge or footway, wooden boards are to be placed underneath the materials/equipment to prevent damage to the verge or footway
11. Materials/equipment must not be pushed or dragged along the highway. Cost for repairs to the highway will be borne by the applicant
12. Applicants should inspect the highway before depositing materials/equipment and report any damage to Hertfordshire County Council. Failure to do so will imply that the highway is in good order and the applicant will be charged for repairs to any damage subsequently reported
13. The highway where the materials/equipment are being stored shall be kept/maintained in a clean and tidy condition during the period of the licence and any spillage or debris shall be swept and removed from the highway

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14. No materials may be mixed on the highway surface but a mixing board may be used.
Note: Breach of this standard condition is an offence which upon conviction carries a maximum penalty of £2,500 (see section 170 Highways Act 1980)

Expiry and Breaches of Licence

15. The applicant must notify Hertfordshire County Council by telephone or email no later than one working day after removal of the materials/equipment from the highway. If the applicant fails to provide such notice then it shall be deemed the condition of the highway upon removal of the materials/equipment is that condition as of the date Hertfordshire County Council becomes aware of the removal and inspects the highway
16. The highway may be inspected upon removal of the materials/equipment and any damage to the highway shall be recharged to the applicant
17. No materials/equipment shall remain on the highway once the licence has expired
18. Hertfordshire County Council reserve the right to remove the materials/equipment from the highway without notice if conditions of the licence have not been breached. Costs will be recharged to the applicant
19. All materials/equipment on the highway without a licence will be removed without notice. Cost will be charged to the owner of the materials/equipment and/or the person that has directed the depositing of the materials/equipment
20. If the applicant wishes to extend or renew the licence a further application will need to be made to Hertfordshire County Council. The application must be received no later than five working days before the expiry of the current licence

Legal Indemnity

21. The applicant indemnifies and saves harmless Hertfordshire County Council and/or its officers and agents against and from all claims, demands, actions, costs and damages however arising out of, by or in consequence of the depositing of materials/equipment on the highway.
22. Where the applicant is a body corporate then the person authorised to make this application on its behalf agrees to indemnify Hertfordshire County Council on the same terms as stated in standard condition 21 above and any costs or expenses incurred by Hertfordshire County Council due to a breach of any the licence, joint and severally
23. The applicant must take out and maintain public liability insurance for a sum of at least ten million pounds (£10,000,000) in respect of any one claim and shall on request by the Hertfordshire County Council produce for inspection the relevant policies of insurance together with receipts for the premiums paid

Miscellaneous Provisions

24. Additional conditions may apply and these may be determined by a site visit prior to a licence being issued. These additional conditions form part of the licence
25. When the materials/equipment are to be deposited in a parking area which normally has a parking charge or resident parking, permission must be sought from the Parking Authority
26. Right is reserved to request the removal of the materials/equipment should Hertfordshire County Council deem this necessary in the event of an emergency or for operational requirement
27. The applicant shall immediately remove the materials/equipment at the request of any statutory undertaker who requires the site