

## **HIGHWAYS ACT 1980 – SECTION 178 ERECTION OF SEASONAL DECORATIONS**

### **Terms and Conditions for Seasonal Decorations on or above the highway**

A consent will only be issued subject to confirmation that the seasonal decoration applicant will comply with the following documents:-

- **ADEPT - GUIDANCE ON THE INSTALLATION, OPERATION AND REMOVAL OF SEASONAL DECORATIONS**), which is available at [www.adeptnet.org.uk](http://www.adeptnet.org.uk)

And

- **ILP - PLG06 (Guidance on installation and maintenance of seasonal decorations and lighting column attachments)** which is available at [www.theilp.org.uk](http://www.theilp.org.uk)

In addition to the conditions contained within the documents above, the following must also be adhered to:

- The Seasonal Decorations shall only be attached to the columns authorised in the manner indicated in the agreed application and must not exceed the maximum weight and size as declared in the application. Any columns which have failed their structural inspection should not be used.
- The applicant is satisfied that only competent person/s shall be used in conjunction with works relating to the Seasonal Decorations
- The Seasonal Decorations shall only be in operation during the dates indicated in the agreed application.
- For Seasonal Decorations located in traffic sensitive areas, where any occupation of the highway is necessary then the Seasonal Decorations should not be erected / maintained / removed during traffic sensitive times, keeping interference with traffic at a minimum (unless works are deemed to be an emergency).
- The applicant of the Seasonal Decorations shall indemnify the County Council (and all its agents) against all claims, demands, actions, proceedings, losses, costs, expenses and all outgoings whatsoever which may be brought against them or retained or incurred in consequence of the installation / use / maintenance and removal of any Seasonal Decorations installed by the applicant.
- The applicant shall during the life of this consent maintain a public liability insurance with an insurer approved by the County Treasurer to the extent that such a cover is available in the UK insurance market against any claim for a sum of not less than £10,000,000 (ten million pounds) in respect of any one occurrence but otherwise unlimited in amount for any one year of insurance. A valid Certificate of Insurance in an approved format is to be completed by the licensee's insurers or registered insurance brokers.
- Any other consent, which may be required in connection with the seasonal decorations, must be obtained by the applicant.

- Any Seasonal Decorations the County Council request to be removed by the applicant for whatever reason, will be removed in an agreed timely manner.
- The County Council reserves the right to remove any Seasonal Decorations at any time and without notice to the applicant.
- The County Council cannot guarantee any equipment installed in relation to the operation of Seasonal Decorations will be returned to the applicant. Any Equipment installed is done so at the applicants risk in its entirety.
- Where the Seasonal Decorations requires an electrical supply, The County Council does not guarantee that any equipment installed will receive a continuous electricity supply for the duration of the decorations operation.

By granting consent under Section 178 of the Highways Act 1980 is to import the provisions of sub-section (4) thereof under which in the event of a breach of any of the terms or conditions of the consent the offender is guilty of an offence and liable to a fine.

### **Definitions:-**

Seasonal Decorations: are any attachments (hanging baskets, festive lighting, banners etc.) on or above the highway.

Applicant: is the individual or a group of individuals, a company or council who intend to install or maintain or remove any Seasonal Decorations on or above the highway.

County Council: is Essex County Council or its appointed agents and contractors.

### **Useful Resources:-**

#### **ADEPT - GUIDANCE ON THE INSTALLATION, OPERATION AND REMOVAL OF SEASONAL DECORATIONS**

<http://www.adeptnet.org.uk/sites/default/files/documents/Seasonal%20Decorations.pdf>

#### **ILP - PLG06 (Guidance on installation and maintenance of seasonal decorations and lighting column attachments)**

<https://www.theilp.org.uk/resources/ilp-technical-reports/plg06-guidance-installation-and-maintenance-of-seasonal-decs/>

#### **Essex Highways**

<http://www.essexhighways.org/applications/For-contractors/apply-seasonal-decorations.aspx>

<http://www.essexhighways.org/transport-and-roads/Roads-and-Pavements/Street-lighting/seasonal-decorations.aspx>