



## **STANDARD CONDITIONS CONTROL OF SCAFFOLDING ON HIGHWAYS – HIGHWAYS ACT 1980 SECTIONS 169, 172, 173 & 174 APPLICATION FOR A LICENCE TO ERECT AND MAINTAIN SCAFFOLDING/HOARDING ON THE HIGHWAY**

The granting of the Licence only authorises the obstruction of the public highway and does not imply any approval to the suitability and serviceability of the structure. The Licensee is responsible for complying with all legislation, codes of practices and best practice guidance. The Licensee shall ensure the safety of the public at all times.

In order to erect and maintain scaffold/hoarding or other structure on or over the highway you are required to obtain a Licence for each location from the Highway Authority. This 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 be deemed necessary. Such additional conditions will be contained within the Licence itself. You should be aware that should you fail to observe and abide by these conditions then you will be liable to prosecution under the above named Act.

You should now read and familiarise yourself with the conditions listed below. Only when you have fully satisfied yourself that you understand these and undertake to observe and abide by them should you complete and sign the application. These conditions will then form part of the licence for its duration unless legislation or policy changes require their revision. If this should happen you will be required to give an undertaking to observe and abide by the revised conditions. You should also be familiar with all relevant legal requirements and best practice guidance.

For the purpose of the Licence and these conditions the person making the application will be referred to as the 'Licensee', the scaffold/hoarding or other structure referred to as the 'structure', the location and purpose of the structure referred to as the 'works', and the 'highway' deemed to include the footway, carriageway, verge and any areas to which the public have right of access. Reference to scaffold includes mobile and fixed scaffolding towers.

The Licence charge is £93 per new application which is valid for 14 days. Extension may be permitted at the discretion of the County Council and will incur a further fee of £55 per extension.

### **CONDITIONS**

1. Before a Licence is issued a site meeting may be required with the Licensee and a representative of the Highway Authority to discuss the proposals. If this is the case the Licensee will be contacted with a view of arranging a meeting accordingly.
2. Prior to the erection of the scaffold or other structure, the Licensee must inform his client of the following conditions which may affect the way he conducts his works:
  - a) The scaffolding, hoarding or other structure, shall be adequately lit at all times between half an hour after sunset to half an hour before sunrise, or in fog.

- b) Scaffold standards shall be fitted with suitable metal base plates, with timber or proprietary plastic sole plates used where necessary to the entire satisfaction of the Area Manager or his representative. All scaffold standards shall either be painted white, or covered with approved white, or red and white material, or a padded yellow protective covering for the first 2.5 metres above the footway/carriageway. Adequate width and height must be maintained for the safe passage of pedestrians and prams.
- c) Suitable and sufficient measures must be taken to prevent any highway user from being struck by falling debris, material or objects falling onto any part of the highway. Covered traffic routes or passageways must be provided where necessary. The scaffolding must be adequately secured to the adjoining structure or externally braced to prevent displacement.

Unless otherwise agreed with the Area Manager or his representative, and subject to the nature of work to be undertaken, all elevations of each scaffold must be enclosed with either fine mesh netting or sheeting to prevent debris, material or objects falling onto any part of the highway. Fan guarding must also be provided where necessary.

- d) If proper provision cannot be made for pedestrians to pass safely beneath the scaffold or other structure on the existing footway, then an adequately signed and guarded walkway shall be erected outside the scaffolding or other structure, to the satisfaction of the Area Manager.
- e) Wherever practicable, scaffolding shall be kept back 450mm to the carriageway edge, up to a height of 5.5 metres, measured from the gutter level.
- f) If any part of the scaffold is closer than 450mm to the carriageway edge, or the proposed site of the scaffolding is considered to be particularly liable to impact damage by passing vehicles, then adequately secured and properly signed, guarded and lit barriers shall be provided along the face of the structure. Adequate safety zones may be required in the circumstances. Such proposals must be agreed with the Area Manager or his representative at the time of application.
- g) The Licensee shall comply with Chapter 8, of the Traffic Signs Manual, together with such other conditions as the Area Manager may require.
- h) The street around the scaffolding, hoarding or other structure, must be kept clear of all materials, equipment and debris. Any spillages must immediately be removed from the highway. The footway shall be kept clear for pedestrians and properly protected both day and night, so as to cause no damage or injury to the public.
- i) The name, address and telephone number including "out of hours" emergency contact number, of the Contractor responsible for the site, shall be legibly displayed on a board measuring 600mm x 450mm. The name, address and telephone number of the Owner of the scaffolding, hoarding or other structure (if different from the Contractor) must also be legibly displayed on a separate board of the same size. No other notice, placard, advertisement or anything in the nature of an advertisement, shall be printed, posted, pasted, drawn, painted, shown or displayed in any way, on or from such scaffolding or other structure, without the written consent of the local planning authority (if required) and of the Council, and then, only subject to the terms of such written consents.
- j) The Health and Safety Executive have instructed that the outer faces of any scaffold erected in an area frequented by pedestrians must be fully sheeted to contain any debris. Where the pedestrian walkway continues under the scaffolding, the first lift must also be close boarding and sheeted from the outer face of the building to prevent any debris falling onto the footway. The only relaxation will be when then activity conducted from the scaffolding will not generate any debris, e.g. inspections. Similar requirements must be used if there is any danger of debris falling onto passing vehicles.

3. The structure and its component parts shall be in accordance with BS EN 12811-1, properly erected and maintained by the Licensee in a manner which causes minimum obstruction to users of the highway.
4. To avoid obstruction of access to Utilities apparatus, either for routine works or emergency repairs, it is essential that the Utilities are consulted regarding the positioning of the overlying structure. Their agreement to the proposals and to the procedures to be adopted in the event of the Utility requiring access to their apparatus in an emergency situation must be obtained prior to the Licence application will be issued. Under no circumstances will base plates be allowed on the covers of access chambers and immediate action must be taken to relocate such members as soon as they are brought to Licensee's attention, whatever the state of the erection at the time. The Highway Authority can provide a list of the Utilities operating in the area, however, this is to the best of their knowledge at that time and it is the Licensee's responsibility to ensure that all the Utilities are consulted and agree to the proposals prior to the making of the application.
5. The Licensee shall keep the structure in a safe condition.
6. The Licensee shall afford the Highway Authority such facilities as may reasonably be required for inspecting the structure.
7. Wherever a scaffold/hoarding is found to be erected without a current Licence or without the required Public Liability Insurance, this will be reported to the Police and the Health and Safety Executive.
8. The structure shall be used only for the purpose(s) specified on the Licence.
9. The Licensee shall not do, permit or suffer to be done, upon or from the structure, anything which in the considered opinion of the Highway Authority would, or would likely to, cause injury or damage or become a danger or nuisance to users of the highway or occupier of adjoining premises.
10. The Licensee shall keep that part of the highway on or over which the structure is erected, free from damage and kept clean and tidy. Any damage caused to the highway or street furniture will be, on completion of the works, repaired to a satisfactory standard by the Licensee otherwise remedial work will be undertaken by the Highway Authority and the full cost of any such work including administrative charges will be charged to the Licensee.
11. The Licensee shall indemnify, and keep indemnified, the County Council or its Agents as the Highway Authority against any liability, loss, claim or proceeding whatsoever arising under Statute or Common Law in respect of, or in consequence of, the erection, retention, collapse or removal of the structure, or the carrying out of works, against all claims, demands, proceedings, damages, costs charges and expenses whatsoever in respect thereof or in relation thereto. The sum covered by the policy to be £5,000,000 for any one event with a reputable insurer and in terms approved by the Highway Authority, approval shall not be unreasonably withheld. Whenever required the Licensee shall produce to the Authority the policy, or policies of insurance and the receipts for payment of the current premises.

12. In the event of the structure collapsing so as to cause a nuisance or obstruction on or over the highway, the Licensee shall pay to the Highway Authority such costs as may reasonably have been incurred by them in carrying out work required to remove any such nuisance or obstruction or otherwise make the highway safe for passage.
13. The Local Authorities (Transport Charges) Regulations 1998 allows for Highway Authorities to charge for consideration of applications for licences to erect and maintain scaffold/hoarding or other structures on or over the highway. This charge must be paid before the Licence becomes effective for works to commence on site.
14. The Licence is personal to the Licensee and is not transferable.
15. The Licence may be terminated by either party to this Licence giving not less than 48 hours notice in writing to the other party.
16. The Licence may be revoked at any time by the Highway Authority in the event of:
  - i) failure to remedy any defects brought to the attention of the Licensee;
  - ii) non compliance with any of the conditions stated on the Licence.
17. Revocation of the Licence will be reported to the Police and the Health and Safety Executive as appropriate.
18. Upon completion of the work, or in the event of revocation of this Licence, the Licensee shall forthwith remove the structure from the highway and leave the highway clean and tidy and free from damage.
19. The Licensee has a right of appeal to a Magistrates Court against any conditions imposed under Sections 169 and 172 of the Highways Act.

**Attention is drawn to the following provisions of the Highways Act 1980:-**

**Section 169 States that no person shall in connection with any building or demolition work or the alteration, repair, maintenance or cleaning of any building, erect or retain on or over the highway any scaffolding or other structure unless he is authorised to do so by a Licence in writing issued by the highway authority.**

**Section 172 Requires that any person proposing to erect or take down a building in a street or court, or to alter or repair the outside of a building in a street or court, shall before beginning the work, erect a close boarded hoarding or fence to the satisfaction of the Director of Environmental Services. This obligation to erect a hoarding or fence may only be dispensed with following agreement by the Highway Authority in writing.**

**Any scaffold found on the highway without a License will incur a charge of £50 to cover administration costs.**

**Any contravention of conditions of Licence could result in the County Council instigating prosecution action, with the immediate revocation of the Licence and subsequent removal of the scaffolding. Any costs incurred by the County Council will be recoverable.**

**I/We give my/our undertaking to observe and abide by the conditions set out above.**

<b>Name of Company</b>	_____
<b>Address of Company</b>	_____ _____ _____ _____
<b>Signature of Licensee</b>	_____
<b>Print Name</b>	_____
<b>Position in Company</b>	_____
<b>Date</b>	_____/_____/_____

**Please return completed form along with your Scaffold Application Form to:  
Director of Environmental Services, County Hall, Matlock, Derbyshire DE4 3AG  
For telephone enquiries ring 01629 538665  
Fax 01629 538698 or 01629 538126**