

**Conditions for erecting a Scaffolding / Hoarding on the Public Highway.
Highways Act 1980 Sections 169,172,173 &174**

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 a scaffold/hoarding or other structure on or over the highway you are legally required to obtain a Licence for each location from the Highway Authority. This will only be issued subject to you undertaking to observe and abide by the conditions listed below as well as any other conditions the Highway Authority may deem to be 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 form. These conditions will 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 familiarise yourself 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 scaffolding/hoarding or other structure referred to as the “structure”, the location and purpose of the structure referred to as the “works”, and the “Highway” is deemed to include the footway, carriageway, verge and any areas to which the public have a right of access. Reference to scaffold includes mobile and fixed scaffolding towers.

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 to arrange a meeting.
2. Prior to the erection of the scaffold or other structures, the Licensee must inform his client of the following conditions which may affect the way he conducts his work:
 - a) During the erection and dismantling of the “structure” the person, persons or organisation responsible for the works is under an obligation to any persons using the Highway, both vehicle users and pedestrians, to take such steps as are reasonably practical to protect them from personal injury and their property from damage (this may require a footway / highway closure).

- b) The Licensee shall comply with Chapter 8 of the Traffic Signs Manual and the Code of Practice for Safety at Street Works and Road Works, together with such conditions as the Highway Authority may require.
- c) The scaffolding, hoarding or other structure, at night (that is to say, between half an hour after sunset and half an hour before sunrise) shall have an amber warning light which complies with The Traffic Signs Regulation and General Direction 2016, attached to each corner adjacent to the carriageway. Each lamp shall have an illuminative power of no less than one candela and shall remain lit throughout the night.
- d) Scaffold standards shall be fitted with suitable metal base plates, with timber or proprietary plastic sole plates used where necessary to the satisfaction of the Highway Authority or their 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. A minimum width of 1.2m and height of 2.3m must be maintained for the safe passage of pedestrians, prams and wheelchairs.
- e) Suitable and sufficient measures must be taken to prevent any highway user from being struck by falling debris, materials or objects falling onto any part of the highway. Covered traffic routes or passageways must be provided where necessary. The scaffold must to be adequately secured to the adjoining structure or externally braced to prevent displacement. Unless otherwise agreed with the Highway Authority 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.
- f) 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 scaffold or other structure, to the satisfaction of the Highway Authority.
- g) Wherever practicable, scaffolding/hoarding shall be kept back 450mm from the carriageway edge, up to a height of 5.5 metres, measured from the channel level.
- h) If any part of the scaffold is closer than 450mm to the carriageway edge, or the proposed site of the scaffolding/hoarding 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 Highway Authority at the time of the application.

- 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 600 x 450mm. The name, address and telephone number of the Owner of the scaffold/hoarding or other structure (if different from the Contractor) must also be legibly displayed on a separate board of the same size.
3. The scaffolding / hoarding 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. The licensee shall do such things in connection with the structure as any Statutory Undertakers, or persons who are Undertakers by virtue of licence, reasonably request them to do for the purpose of protecting or giving access to any apparatus belonging to, used or maintained by aforesaid Undertaker.
5. The person or persons erecting the scaffold is required to hold The Construction Industry Scaffolders Record Scheme (CISRS) card or equivalent.
6. The licensee shall keep the structure in a safe condition.
7. The licensee shall afford the Highway Authority such facilities as may be reasonably be required for inspecting the structure.
8. Wherever a scaffold/hoarding is found to be erected without a current licence or without the Public liability insurance, this will be reported to the Police and the Health and Safety Executive.
9. The structure shall be used only for the purpose(s) specified on the Licence.
10. 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.
11. The Licensee shall indemnify and keep indemnified, 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 the 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 a minimum of £5,000,000 for any one event.

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 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 Licence is personal to the Licensee and is not transferable.
14. The Licence may be terminated by either party to this Licence giving not less than 48 hours notice in writing to the other party.
15. The licence may be revoked at any time by the Highway Authority in the event of:
 - a. failure to remedy any defects brought to the attention of the Licensee.
 - b. non compliance with any of the conditions stated in the Licence.
16. Revocation of the Licence will be reported to the Police and the Health and Safety Executive as appropriate.
17. Upon completion of the work, or in the event of the revocation of the Licence, the Licensee shall forthwith remove the structure from the highway and leave the highway clean and tidy and free from damage.
18. The Licensee shall pay the Highway Authority all costs incurred by them for repairing any damage to the footway, kerbs or carriageway caused by the structure.
19. The Licensee shall do such things in connection with the structure as any Statutory Undertakers or persons who are Undertakers by virtue of a licence, reasonably requested the Licensee to do for the purpose of protecting or giving access to any apparatus belonging to, used or maintained by the aforesaid Undertakers.