

**This document is prepared by Lincolnshire County Council and provides guidance on how to obtain approval for a licence or permit for scaffolding on the public highway.**



**Permission is required from the Authority to place any scaffolding (including temporary scaffolding towers) on any part of the highway. A highway includes not only the road but also footways and verges.**

ISSUE DATE:	January 2019
REVISION No 3	
LAST REVIEWED:	January 2019

Page 3	Introduction
Page 4	Registration Information
Page 5	Section 1: Terms and Conditions
Page 6	Section 2: Scaffold Guidance Notes
Page 11	Section 3: Company Registration Form

## **Introduction**

All companies MUST be registered with the County Council before applying for a licence

All scaffolds or hoardings placed within the highway must be authorised by the divisional highways office and a licence issued to the provider. The divisional office will consider the implications of the provision of a scaffold or hoarding at the requested location to ensure that it does not represent a danger to the highway user, cause unnecessary obstruction to the free flow of traffic (vehicular and pedestrian) or conflict with other planned works or events.

Any company wishing to place a scaffold or hoarding within the highway must provide documentary evidence of the appropriate level of public liability insurance (currently £5m),

Requests for licences should be made by the scaffold or hoarding provider (not the customer) and the licence, subject to approval, will be issued to the provider.

Lincolnshire County Council charge for each scaffold licence application a fee of **£50 per 20m length**. At present there is no charge for a hoarding only licence although this is under review. Each licence issued will normally be valid for a maximum of 28 days, but in certain traffic sensitive streets these may be restricted to a shorter time. Extensions may be permitted at the discretion of the County Council. **Extension requests must be received a minimum of two days before the expiry date. If a licence expires but the scaffolding/hoarding remains on site, a new licence must be applied for (application fee will be applicable ) or the scaffolding/hoarding should be removed from the highway immediately or legal enforcement will be carried out.**

Applications to place scaffolding in the highway should be made at least 5 clear working days (not including emergencies) in advance of the date required through our Customer Service centre (telephone: 01522 782070) and payments must be made by giving your bank debit/credit card details at the time the application is made or alternatively you can apply on line using the web link below:

<https://zipapps.lincolnshire.gov.uk/eCommerce/Default.aspx>

**Please note the Highway Authority reserves the right to refuse requests to place scaffolding on the highway and payment should not be construed as automatic granting of permission to place the scaffolding. Placement of scaffolding must not be carried out until the applicant has received confirmation from the highway authority that the permit has been granted.**

If for any reason your application is refused once payment has been received a full refund will be given.

In many cases a site meeting will be required to discuss the impact of the structure upon the use of the highway. Therefore as much advance notice as possible is desirable.

## Registration Information

### **ALL COMPANIES MUST BE REGISTERED WITH THE COUNCIL BEFORE APPLYING FOR A LICENCE**

Once a signed copy of the standard conditions is held on file (**valid for 12 months**) any future applications made by that applicant during that period will only require the submission of the Application Form as this makes reference to the applicant having understood the standard conditions.

Please read the Conditions, **complete and sign and return** to:

Streetworks and Permitting, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX.

## **Control of scaffolding on the highway**

### **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 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 Terms, Conditions and Guidance Notes 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 Terms, Conditions and Guidance Notes 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 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.

## **SECTION 1: TERMS AND CONDITIONS**

**Terms and Conditions contained in this licence to build, erect or maintain on or over a highway, a scaffolding or other structure which obstructs the highway (section 169 Highways Act: 1980)**

C1 – Upon the issuing of the licence, the applicant will become the person to whom the licence is issued in terms of section 169 Highways Act 1980 and will be referred to in the licence as “the licensee”.

C2 – The scaffold structure shall be designed, erected, modified and dismantled by suitably qualified personnel.

C3 – The scaffold structure shall be adequately lit at all times between half an hour before sunset to half an hour after sunrise.

C4 – Any provision for providing a safe route for pedestrians shall be in accordance with the current Safety at Street Works and Road Works Code of Practice.

C5 – Traffic Management shall be in accordance with the current Safety at Street Works and Road Works Code of Practice and Chapter 8 of the Traffic Signs Manual.

C6 – Erection of the scaffolding structure must not commence prior to the date specified on the licence and must be dismantled and removed from site before the end of the specified period. The Authority may, in certain conditions agree to the extension of the licence period, which will attract a further fee.

C7 - The licensee must implement any measures that the Authority or undertaker (under the meaning of S48 of the New Roads and Street Works Act: 1991) reasonably requests for the purpose of protecting or giving access to any apparatus belonging to or used or maintained by them.

C8 – The licensee is responsible for contacting undertakers (under the meaning of s48 of the New Roads and Street Works Act: 1991) to establish whether or not their apparatus may be affected by the scaffolding structure.

C9 – The Authority shall have the right to revoke the licence at any time.

C10 – The licensee shall indemnify and keep indemnified the Authority against any claim in respect to injury damage or loss arising out of:

- placing or presence in the highway of the scaffolding structure and works associated with the licence; or
- the execution by any person of any of works associated with the licence.

C11 – A copy of the relevant insurance certificate covering the 12 month period shall be provided with the registration document and held on file by the Authority

## **SECTION 2: SCAFFOLDING GUIDANCE NOTES**

(Jointly produced in consultation with the National Access & Scaffolding Confederation, Health and Safety Executive, Local Highways Authorities, Joint Authorities Group UK, National Transport Managers Forum)

These guidance notes have been produced to assist applicants when applying to erect scaffolding on the Public Highway and to draw attention to their legal obligations to meet the required standards as indicated within this document.

### **GENERAL**

The application for a licence (referred to as “a licence”) is to build, erect or maintain on or over a highway, scaffolding or other structure which obstructs the highway (section 169 Highways Act: 1980).

The licence is for the occupation of the highway only.

A current copy of a regulated scaffolding association membership certificate or alternative ‘competence’ documents must be supplied with this application.

Aluminium Towers – Temporary tower scaffolds (aluminium towers) must be erected, dismantled or altered by **competent** operatives only who must possess PASMA (Prefabricated Access Suppliers and Manufacturers Association), or equivalent qualification. All towers must be built to the manufacturers guidelines/specifications.

### **CONSTRUCTION**

1. In order to satisfy the requirements of the Work at Height Regulations 2005, the scaffold structure must be designed, erected, altered and dismantled in a safe manner and maintained in a safe condition in accordance with current standards.
2. On each site there must be an appropriate number of scaffolding operatives employed who are competent to erect, alter or dismantle the type and form of scaffolding and hold one or more of the following qualifications (or equivalent) as appropriate. See relevant part of guidance
  - Traditional Scaffolding (tube & fitting) or System Scaffolding - CISRS Scaffold Card (or for more complex scaffold structures, The CISRS Advanced Scaffold Card). The competent scaffolding operatives can be supplemented by CISRS carded ‘Trainee Scaffolders’, on a maximum ratio balance of one ‘competent’ scaffolding operative to one ‘trainee’ scaffolding operative).
3. The scaffolding structure, or portion of, to be erected that day, shall be securely erected on the day of the delivery, in a safe and considerate manner, by or under the immediate supervision of a person competent and experienced in carrying out such work. Similarly, all scaffolding, hoarding or other structure, must be fully removed from the highway on the day it is dismantled and upon expiration of the licence or when the need for the scaffold becomes redundant.
4. In order to satisfy the requirements of the Work at Height Regulations 2005, the scaffolding contractor shall formulate their plan of work making sure that all necessary allowances have been made resulting in all works undertaken by the scaffolding

operatives being fully compliant with the recommendations and systems of work as detailed in the current version of the NASC safety guidance document SG4 'Preventing Falls in Scaffolding'

5. The licensee must implement any measures that the Authority or Statutory Undertaker reasonably requests for the purpose of protecting or giving access to any apparatus belonging to or used or maintained by them.
6. The scaffolding must be adequately secured to the adjoining structure or externally braced to prevent displacement. Scaffold standards shall be fitted with suitable base plates, with appropriate spreaders used where necessary to the satisfaction of the local Authority. All scaffold standards shall either be painted white, covered with hi-visibility foam padding and or hazard tape, for the first 2.00 metres above the footway/carriageway. The scaffolding shall not have any sharp ends or unprotected nuts/bolts within 2.00m of ground level. On pedestrian walk through structures the base lift shall be constructed in a manner to ensure that there are no horizontal ledger, transom or tie tubes lower than 2.44 m high above ground level unless a safe route for pedestrians of minimum (1.2m) can be maintained around the scaffold structure and taking into account persons having a disability. No other equipment, ladders or materials may be kept on the footway or carriageway. All lower ladders must be removed when scaffolding is not in use to prevent unauthorised access. Adequate width and height must be maintained for the safe passage of footway users. Warning signs with the legend 'DANGER - MEN WORKING ABOVE' (or similar) must be displayed at each end of the structure during the erection and dismantling of the scaffolding structure.
7. Suitable and sufficient measures must be taken to prevent any highway user from being struck by falling debris, material or objects. The first lift of each scaffold and protection fan must be close boarded with suitable covering to prevent debris, material or objects falling through the scaffolding down onto any part of the highway. Covered traffic routes or passageways must be provided where necessary. Any spillages (including loose materials and equipment) must immediately be removed from the highway. The footway shall be kept clear for pedestrians and properly protected both day and night, so as not to cause risk of damage or injury to the public.
8. Unless otherwise agreed with the local Authority, all working levels of all elevations of each completed scaffold (unless access/inspection only scaffolds) must be enclosed with debris netting to prevent debris, material or objects falling down the outside of the scaffolding onto any part of the highway. Depending on the proposed use of the scaffold consideration should be given to the selection of type of the enclosure material. The choice made should be appropriate for the safe encapsulation of any possible items of debris that may be produced by the intended works to be undertaken from the scaffolding.
9. Where there is a risk of materials (tools or equipment) being dropped (accidentally or otherwise) onto vehicle or pedestrian traffic down from the scaffolding structure i.e. within 4.00m horizontal distance away from the outer face or ends of the scaffolding structure, a suitably constructed and angled protection fan or pedestrian gantry scaffold must be provided. This should be installed as soon as is practicable and remain insitu during the erection and dismantling of the scaffolding structure. Protection fans should not be installed below a height of 5.41m above a carriageway when built to accommodate the potential hazard of vehicular traffic. The 5.41 level should be measured from the kerb or the highest point of the road surface level (whichever is the higher). When accommodating the potential hazard of pedestrian traffic only, protection fans should not be installed below a height of 2.44m. This should be increased if there is a possibility of high sided vehicles over running the footway. Note: the type of protection fan to be constructed should be fit for purpose dependent on individual site requirements. Refer to NASC technical guidance



TG20:13 for information relating to load classes and the designs of various protection fan arrangements. The Authority may require that pedestrian gantry scaffolds be designed.

10. Wherever practicable, scaffolding shall be kept back a minimum of 450mm from the carriageway edge, up to a height of 5.41m (16'-5"), measured from the kerb or the highest point of the road surface level (whichever is the higher). If by agreement with the Authority 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 susceptible 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 and approved by the Authority.
11. The scaffold must be adequately lit from half an hour before sunset to half an hour after sunrise at each end with steady amber warning lights at 4m intervals. All projections must have red warning lights. A gantry over a pedestrian walkway must have white lights underneath for safety and security. Lighting levels and power supply should be identified.
12. A 24hour emergency contact telephone number should be clearly displayed on site
13. Partially erected/incomplete scaffolds must have a name board affixed and a warning notice board indicating 'Scaffold Incomplete – Not to be used' (or similar). If left overnight the incomplete scaffold must be lit.
14. The issuing of the licence does not exempt any vehicle from any existing traffic regulation order during the course of erection, dismantling or other activity. Where appropriate an application to suspend the traffic regulation order should be made to the highway authority.

## **PEDESTRIANS**

15. 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 Authority. A joint site inspection will be required and additional conditions applied.
16. Measures shall be taken to distance/segregate/minimise the public interface from the area of work where the scaffold materials are being deposited, handled and erected.
17. All reasonable precautions must be taken to ensure the safety of the public/pedestrians during the works. Particular consideration should be given to the needs of children, elderly people and people with disabilities, having particular regard for the visually impaired. For example, the provision of appropriate ramps for wheel chairs and tapping boards to warn the visually impaired of approaching hazards are useful aids. In order to do this, consideration must be given to suitable barrier systems, which safely separate the pedestrians from any hazards and provide sufficient access for people using wheelchairs and those with prams or pushchairs.  
(see also HSE Guidance – 'Protecting the Public – your next move' HSG151)

## **TRAFFIC MANAGEMENT**

18. Traffic management issues such as the use of temporary traffic signals and temporary road closures must be discussed and agreed with the local Highway Authority. Additional fees may apply if positive traffic management is required. Extra restrictions may be imposed by the local Highway Authority on routes designated as traffic sensitive.



19. The licensee shall comply with Chapter 8, of the Traffic Signs Manual 2009, together with such other conditions as the Authority may require. A requirement when carrying out any work on the highway is that the works are adequately signed, guarded and lit as stipulated in the "Safety at Street Works and Road Works Code of Practice.
20. To meet the traffic management standards, personnel involved in traffic management must be trained and accredited in the "Signing, Lighting and Guarding" module as prescribed in the New Roads and Street Work Act 1991. For minor traffic management a company must have at least: (a) One Accredited Supervisor (who does not have to be permanently on site). For major traffic management all operatives engaged in actually setting the system up on the highway shall be Street Works Accredited in 'Signing, Lighting and Guarding'

## **MAINTENANCE**

21. Every hoist or pulley wheel must be adequately fenced.
22. Scaffold structures must be inspected by a competent person prior to being used for the first time, following exposure to weather conditions likely to have affected its strength or stability, after substantial addition, dismantling or other alteration and at intervals not exceeding 7 days from the date of the last inspection. The results of the inspections (including any faults found) should be recorded and made available. Daily safety pre-checks should also be undertaken by any persons using the scaffolding. A Scaffoldtag system should be fitted at all legal access points and visible at ground level.
23. At the expiration of the time for which the licence is granted, or when the work for which this consent is granted, is completed, or if the consent is revoked, whichever is first, the scaffolding, structure shall be immediately taken down.
24. The licensee is responsible for ensuring that the scaffolding is kept free from fly posting and graffiti. Any occurrences must be removed within 48 hours.
25. A duplicate copy of the licence should be kept on site at all times during which the scaffolding structure is erected, and must be readily available for inspection by authorised officers upon demand.

## **REMOVAL OF SCAFFOLDING STRUCTURE(S)**

26. Upon removal of the scaffolding structure(s), the pavement will be inspected and any damage to the highway will be made good by the Authority at the expense of the licensee in accordance with the provisions of Section 133 of the Highways Act 1980. To enable any damage to the highway to be assessed the Authority may undertake a dilapidation survey prior to the erection of the scaffold at the expense of the licensee.
27. The Authority shall have the right to revoke the licence at any time by appropriately served notice if any of the conditions subject to which the licence is granted are not complied with and the licensee shall forthwith remove the scaffolding, hoarding or other structure. In default, and after giving notice, the Council may themselves remove the scaffolding, or other structure and any reasonable expenses incurred by the Council in doing so shall be recoverable from the licensee. Also it should be noted that failure to comply with conditions set by the Authority may lead to a fine of up to £5000 being imposed under (s169 (5) of the Highways Act 1980).

## **INSURANCE – PUBLIC/EMPLOYERS LIABILITY**

28. Public Liability Insurance giving minimum cover of £5M for Scaffolding is required. However, it may be noted that the Council reserves the right to increase these amounts if it is considered that the site location requires a higher degree of cover. You will be notified if this is the case and proof of increased cover will be required before the licence is granted
29. Where the Scaffolding Contractor directly employs operatives Employees Liability Insurance giving a minimum cover of £10M for Scaffolding is required. However, it may be noted that the Council reserves the right to increase these amounts if it is considered that the site location requires a higher degree of cover. You will be notified if this is the case and proof of increased cover will be required before the licence is granted.

## **MISCELLANEOUS**

30. Unique Street Reference Numbers (USRNs) are obtained from the National Street Gazetteer. The Authority will provide these numbers on request.
31. Further separate licences must be applied for where the licensee intends to erect hoarding, place a skip on the highway and/or place building materials on the highway.

## **REFERENCES**

Highways Act: 1980 - <http://www.statutelaw.gov.uk>

New Roads and Street Works Act: 1991 - <http://www.statutelaw.gov.uk>

Traffic Management Act: 2004 - <http://www.statutelaw.gov.uk>

Safety at Street Works and Road Works Code of Practice:

<https://www.gov.uk/government/publications/safety-at-street-works-and-road-works>

Chapter 8: Traffic Signs Manual - <http://www.dft.gov.uk/pgr/roads/tss/tsmanual>

### **Section 3: Company Registration Form**

#### ***Control of scaffolding on the highway Highways Act 1980 Sections 169,172,173 &174***

**All companies must be registered with the Council before applying for a licence.**

Once a signed copy of the standard conditions is held on file (**valid for 12 months**) any future applications made by that applicant during that period will only require the submission of the Application Form as this makes reference to the applicant having understood the standard conditions.

Please read Section 1 (Terms and Conditions) and Section 2 (Scaffolding Guidance Notes) set out above, complete and sign and return to:

Streetworks and Permitting, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX.

I/We give my/our undertaking to comply with the Terms, Conditions and Guidance Notes set out on the notes above and such further conditions that the Council may impose following consideration of this application.

Company Name	<input type="text"/>
Address	<input type="text"/>
Telephone No	<input type="text"/>
Emergency Tel No	<input type="text"/>
Email address	<input type="text"/>
Fax No	<input type="text"/>
Title	<input type="text"/>
Name	<input type="text"/>
Position in Company	<input type="text"/>

	YES	NO
Are you a member of a regulated scaffolding Association	<input type="checkbox"/>	<input type="checkbox"/>

Signature of Licensee.....Date...../...../.....