

SCHEDULE OF MINIMUM REQUIREMENTS FOR SCAFFOLDING PLACED UPON THE PUBLIC HIGHWAY.

These conditions refer to Permissions granted for the placing of scaffolding upon the Public Highway (Section 169, Highways Act 1980). These requirements, unless waived in writing by the Council, shall be deemed to be the terms of all Permissions to erect scaffolding upon the Highway only in so far as they do not conflict with or duplicate any other legal requirements.

For the purposes of these conditions the term scaffolding shall mean any temporary structure composed of metal poles, erected upon the Public Highway and remaining in situ for more than twenty-four hours. Hereafter the term Licence shall be used to refer to any written Permission granted by the Council under the above Act, and the verb to license be used to denote the act of permitting or the process of issuing said Permission.

1. The scaffolding, unless otherwise specified, shall be licensed for the following uses only: the carrying out of structural support, building or demolition work or the alteration, repair, maintenance, decoration or cleaning of a building.
2. In certain circumstances a scaffolding may be licensed for inspection works or as a structural support pending any of the above operations. In these circumstances either a full description of the scope and nature of the inspection works and/or a structural report by a suitably qualified professional shall be provided with the Application.
3. In the event that none of the above mentioned works commence within the first six weeks of any Licence issued the Council shall, not less than seven days prior to the expiry of said licence, be informed in writing by the licensee or the licensee's client of the circumstances that have prevented the works from proceeding. Should the licensee or the licensee's clients fail to meet this condition the Council may not issue a renewal of the Licence.
4. Notwithstanding the above item 3 above; any renewal of a Licence on a site where no apparent works have taken place prior to the expiry of a Licence may take this factor into consideration. As a result, the period of validity of the renewed Licence, and the consideration costs involved in said renewal, may differ from the norm and will be assessed, based upon the circumstances of the site.
5. The scaffolding is to provide a clear passageway for pedestrians of at least 1.5m whilst providing clearance of at least 500mm between the scaffolding and the carriageway edge. Where a narrow footway makes this impossible, the Council's advance written permission must be sought to permit either a reduction of the above widths or encroachment into the carriageway. Any such case must be brought to the Council's advance attention in the licence application. In the event of encroachment upon the carriageway adequate provision must be made for the continuing safe passage of pedestrians, including any necessary walkways, ramps, decking, lighting and restraints against intrusion by vehicles. Note that where footways are greater than 2.5m in width the Council may require a wider clear passageway through the scaffolding.
6. Where pedestrians are intended to pass under the scaffolding the minimum headroom to be provided shall be 2.4m and where the scaffolding crosses a carriageway the minimum headroom shall be 5.5m.
7. In areas of the highway not intended to be accessible to pedestrians, safety fencing, hoarding or other measures agreed by the Council may be used to preclude access. Any such areas must be clearly indicated in the application. Such areas greater than five square metres will be subject to the Council's Hoarding Licence conditions and charges.
8. As soon as a scaffolding is erected so as to be free-standing, all uprights within 2.4 metres of ground level shall be adequately colour contrasted with adhesive tape, plastic sleeves or by painting in white or bright yellow. Close-boarded structures delineating a footway shall be similarly painted below 2.4m. In certain circumstances the Council may insist upon the use of yellow, closed-foam sleeving on scaffolding uprights.
9. Adequate measures shall be used to prevent damage to the highway by the scaffolding. Any damage caused by the placing or removal of the scaffolding must be reported to the Council as soon as practicably possible.

10. The Licensee shall be responsible for the making good of any such damage to the highway. In the event of the licensee or their agents failing to repair the highway within a reasonable period set by the Council, the Authority may arrange for the necessary repair works to be carried out. The licensee will be held liable for any costs incurred by the Council for such works.
11. Tapping boards and waist-level handrails shall be provided adjacent to and parallel with pedestrian flow wherever there is cross-bracing at ground level.
12. No projections will be permitted over the highway except in connection with fans, in which case the minimum headroom shall be 5.5m where this is above a carriageway, and 2.4m elsewhere. Such projections will not be considered covered by this licence unless their proposed use was indicated on the application.
13. All necessary measures shall be taken to ensure the safety of the public. Where a chute is included in the application, the scaffolding immediately above pedestrian level shall be solidly decked, with vertical boarding below this level to screen pedestrians from the chute. Tarpaulin or similar fabric shall be provided at the chute's point of discharge to prevent debris from bouncing and to mitigate dust nuisance.
Note: Hoists or chutes will not be considered covered by this licence unless their proposed use was indicated on the application. They must be installed in a position agreed by the Council at the Application stage.
14. Scaffolding must be adequately lit in accordance with Part IX, section 169 of the Highways Act 1980.
15. No scaffolding shall be erected where this would obscure traffic lights, traffic signs or street-lights without the Council's specific approval. Where necessary the Council may require the use of temporary lights, signals and signage.
16. No scaffolding shall be attached to street furniture.
17. No scaffolding shall be erected where it could affect the use of pedestrian crossings or bus stops unless special provisions can be made which meet the Council's specific approval.
18. In the event that scaffolding has to be placed in a Parking Bay, the licensee is normally to contact and agree the suspension of said bay with the Parking Section of the Council, in advance of the Highway Licence Application being submitted. The licensee is to conform to any legal requirements of said Section of the Authority,
19. No rubble, waste, rubbish or unsecured tool is to be left upon an unattended scaffolding, neither is the scaffold to be used for the storage of loose or unsecured builder's materials.
20. At all times, including during erection and dismantling of the scaffolding, the requirements of Chapter 8 of the current Traffic Signs Manual, including amendments shall be met. All signs, barriers, etc. shall be kept clean.
21. No elements of scaffolding shall be placed on the highway prior to the licensed period, and all elements of the scaffolding shall be removed and the highway left unobstructed and clean at the expiry of the licensed period (or when the scaffolding is no longer required, whichever is the sooner). In this context unassembled elements of the scaffolding shall not be left anywhere on the highway without being signed in accordance with Chapter 8 and shall not be so present for more than 24 hours either before erection or after dismantling. Note that any storage containers placed upon the Highway must be separately licensed prior to placement.
22. An identification board with the licensee's name and a staffed 24-hour telephone contact number and/or the 24-hour telephone contact number of the person responsible for maintaining the scaffolding, shall be displayed on the scaffolding. No scaffolding, not even partially erected scaffolding, is to be left unattended if unidentified.
23. No identification board greater than 2 sq. metres in surface area per side will be permitted on the scaffolding and no other form of advertising shall be allowed without the specific, advance written permission of the Highway Enforcement Team. Furthermore, no sign or banner over 4 sq. metres will be permitted.
An additional charge may be made for any additional time spent considering and assessing the use of banners or advertising. It is therefore in the applicant's interest to bring such issues to the attention of the authority prior to the application stage.

24. The licensee shall indemnify the Council against all claims for legal liability arising from the issue of any licence for which the Council could otherwise be responsible and is to carry public liability insurance cover of not less than ten million pounds for the entire duration of any licence. All contractors will be required to have fully completed a Contractors Registration Form and supplied written confirmation of their Public Liability Insurance cover. They will also be required to supply such evidence on demand and at random intervals during the year. Note that any failure to supply these details when requested will be considered a breach of conditions.
25. The licence may be rescinded or a licensee may be required by an authorised officer to temporarily remove the scaffolding or other licensed objects/items at any time for any reasonable or legally defensible reason. The licensee may not be entitled to any compensation for loss of trade or business as a result.
26. Advance or contemporaneous payment for the consideration of a licence application is a condition of the licence and failure to provide payment when required will be considered a breach of the Licence conditions. The current charge for the consideration of a Licence for scaffolding is £72.00 per standard six-week licence or eight-week renewal. Scaffold of 12 metres or more in length are charged at £210.00.00 for an initial six week licence or eight week renewal. These fees are subject to change and may be increased to account for any extra inspections or checks that may be required.

Enforcement: In the event of a breach of Licence Conditions being discovered the following Enforcement Procedure will normally be followed:

- a) On the first occasion that a breach of conditions is discovered this will be reported to the licensee. The Council will issue a written warning requiring that said breach be rectified. Such faults will normally be required to be rectified within 24 hours of the complaint.
- b) Should a second breach of conditions be discovered on any site licensed by the offending licensee within 12 weeks of the discovery of the first breach, or if a previously reported breach of conditions has not been rectified to the Council's satisfaction within the prescribed time period, a second written warning shall be issued.
- c) If, within 12 weeks of the second breach, a third breach of licence conditions occurs on any site that is the responsibility of the original licensee, or should remedial works not have been carried out on a site for which a second written has been issued, this fact will be recorded and the offending company placed upon the Monitored Contractor List.

Once a contractor has been placed on this list, all future applications from that licensee will be passed to the Council's Highway Enforcement manager for additional consideration. This will result in an appropriate Additional Consideration Charge being levied on all applications from that licensee for three calendar months or until such time as the Highway Enforcement Manager feels that the Licensee's record and practice merits a return to the normal application procedure, whichever is the longer.

In the event of any fourth breach of conditions by the licensee in question occurs while on the Monitored Contractor List, details of all relevant offences will be passed to our Legal Section with a view to launching prosecution action under the Highways Act 1980.

Please note however that the Council reserves the right to pursue the option of prosecuting at any stage following any failure to comply with licence conditions or other breach of the Highways Act 1980, and that additional consideration charges or placement upon the Monitored Contractors List the should not be regarded as discharging any liability to conviction for offences.

Notes:

- In constructing, maintaining or dismantling the scaffolding the contractor and user will be expected to comply at all times with the Health and Safety at Work Act 1974, British Standards and all other applicable legislation. It is assumed that licensees and their agents will be aware of, act upon and, where practicable, work in accordance with all Health & Safety Executive Guidance Notes relevant to their works.
- Should it be discovered that data required at the application stage in certain of the above conditions has not been provided (eg. Items 5, 3, 7, 12, 13,15, 23 etc.) then each such omission shall be regarded as a breach of licence conditions.
- The erector of any scaffold found to have been erected upon the Public Highway without identification or prior consultation with the Licensing Unit will normally be treated as b) above.
- The contractor is responsible for ensuring that the scaffolding licence is renewed if the scaffolding is not removed before the expiry date. Should a contractor leave any scaffold on site beyond the expiry date of a Licence without having previously gained the written permission of the Council so to do, then this will be regarded as breach of licence conditions. Contractors using the online application system will be reminded when the licence is due to expire. Contractors using the online application system that allow a licence to expire without removing the scaffolding from the public highway will have their licence automatically renewed at the standard rate plus an administration cost of £63.
- The Council appreciates that emergency scaffolding is sometimes required and that in such circumstances some of the above conditions cannot immediately be met. During normal office hours a telephone call or fax to the Highway Enforcement Team must be made to ensure that we are aware of the situation. Such cases will be assessed on their own merits, but all of the above licence conditions relating to the physical state of the site must be met and all appropriate paperwork be submitted by the end of the working day following the emergency.