

Scaffold and Hoarding Licence Guidance Document **Section 169 of the Highways Act, 1980**

Introduction

A licence is required to use scaffolding or another structure to do building or maintenance work on or over a highway. The licence is for the occupation of the highway only. This is so that:

- We can ensure that highway users and the general public are not put at risk by the scaffold/hoarding including its design, erecting, maintenance and dismantling.
- We can fulfil our duty to record scaffold and hoardings on the Street Works Register and to coordinate the timing of planned highway works and the activities of Statutory Undertakers (SU).

It must be stressed that the responsibility for the safety of the scaffold lies with the Scaffold Company on the site, this responsibility is for all aspects of the scaffold in its entirety including design, erection, dismantling, ties to buildings, lighting, netting and foundations.

Eligibility

If you are the owner of a residential property, before you start any works you should ask your chosen scaffolding company if they have obtained the appropriate licence.

A scaffold licence will only be granted to a company who is included on the NYCC register of Scaffold Companies. We require Scaffold Companies who wish to obtain a scaffolding and hoarding licence to register with us to ensure that licences are only issued to reputable companies who meet our competency requirements. There is no fee for inclusion on the NYCC register of Scaffold Companies.

To register with the Council as a Scaffold Company you will need to complete the 'Register as a Scaffold Company' form. In completing this, the company has agreed to the terms and conditions presented in highway legislation and in the Scaffold and Hoarding Policy Document.

Please note that:

- Submission of the 'Register as a Scaffold Company' form does not automatically register you as an approved operator. Applications will be reviewed to ensure the validity of information provided. You will be notified of registration, or if your registration is declined, informed of the reasons for this. As soon as registration is confirmed a company may apply for a scaffold/hoarding licence as appropriate.
- Registration only proves to the Council that your company is reputable. It does not allow scaffolding/hoardings to be placed on the Highway. Each individual location for a scaffold/hoarding must be checked by the Council to ensure that it is suitable.
- It is your responsibility to ensure your documentation is up to date.

Duration of Licence

A scaffold licence is issued for four weeks as situations do change; we may be notified of street works by a utility company or road closures may be required. A scaffold company may obtain an extension to a scaffold/hoarding licence for an extra four weeks. We will check the location and dates again to see if the licence extension can be permitted. A separate application is required for an extension to a scaffold/hoarding licence; the conditions of the original licence will also apply to the extension.

Application

On receipt of both new and renewal scaffold/hoarding licence applications we will check your application to ensure:

- All required information has been provided and that the correct payment has been returned. Your application will only be considered complete when the County Council has received all the information requested.
- There are no current or proposed Street Works or Road Works to be carried out on the date/location of your request.

If we consider the scaffold will interfere with any works we will normally negotiate with you for the scaffold to be placed on the highway on different dates.

Assess

- We will assess the location where you wish to place the proposed scaffold/ hoarding to check whether the placement of the scaffold at the proposed location represents a safety hazard.

Determine if a licence can be issued

We will normally process and decide if a licence can be issued within 3 working days unless issues need to be resolved.

- If we need to attach conditions to the licence, we will inform the licensee of what those conditions are.
- If issues are found with the application we will seek to address these with the applicant. If the issues cannot be addressed we may have to refuse authorisation for the licence.

After a licence has been issued:

- At any time after the issue of a licence the County Council may inspect the authorised location to check whether the conditions of the licence have been complied with. For further information about compliance and enforcement, please see the Scaffolding and Hoarding Guidance.

When a licence has expired and scaffold removed

- The County Council will undertake a detailed visual inspection. Any permanent reinstatement to the highway which may be required as a result of damage caused by the erecting, operation and dismantling of the scaffold or hoarding will be carried out by the County Council and the costs claimed from the applicant.

Please note when submitting an application, if that application extends beyond the currency of the Public Liability insurance certificate, the licence will be issued up to the end date of the certificate. A new certificate will need to be submitted before an extension will be considered to maintain the scaffold on site. You will not be reminded that your certificate is due for renewal.

Fee

The County Council cannot proceed with the application until it has received the correct payment for the application. The fee for scaffold varies dependent on the type of structure required and is published on the County Council's website at: www.northyorks.gov.uk/highwayfees VAT is not payable.

Permissions

If a scaffold/hoarding is to be positioned in a back street, arrangements must be made to ensure the unobstructed access for refuse collection. If you consider that your proposals will affect street cleansing operations, car parking or refuse collection activities please contact the appropriate District Council **before** applying to the County Council for a licence.

Location

Each scaffold/ hoarding will be erected on the footway. Only in exceptional circumstances and with prior agreement (or if instructed by the County Council) will scaffold and hoardings be permitted on a carriageway or back street.

If there is less than 1.5 metres of available footway remaining for pedestrians or if a scaffold is expected to be placed within 450mm of a carriageway; detailed traffic management may need to be prepared and advertised. This could include some road space being coned-off and allocated to pedestrians. There may be an additional charge for this.

Scaffold and hoardings will not usually be placed on a highway that has a traffic regulation order restricting the parking of vehicles on that section of highway.

Where scaffold/ hoarding occupies highway space upon which there is a traffic regulation order relating to charging for on street parking, the scaffold company must reimburse the relevant authority for loss of income (for example Town and District Councils). An agreement is to be obtained before a licence is issued. It is the responsibility of the scaffold company to organise this and the relevant authority will be reimbursed directly and independently of the scaffold licence payment.

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

Compliance/ Enforcement of Licence Conditions

Anyone who places a scaffold on the highway without first obtaining a licence is guilty of an offence covered by section 169 of the Highways Act 1980 and is liable to a fine up to level 5 on the standard scale (currently £5,000).

The County Council will use powers under sections 140 and 149 of the Highways Act 1980 to remove anything causing a nuisance from the highway at any time.

Following the Issue of Licence

At any time after the issue of a licence under sections 169, 172 and 173 of the highways act 1980, the County Council may inspect the authorised location to check whether the conditions of the licence have been complied with. The County Council may carry out further inspections at any time.

If any of the conditions in the licence are not being complied with, in accordance with the Highways Act 1980, the County Council may either:

- Instruct the licensee to comply with the conditions
- Instruct the licensee to remove or alter the position of the scaffold/ hoarding

The County Council may take any action it deems appropriate in the interests of highway safety.

In addition to the requirement to record scaffolds on the highway on the Street Works Register, the Highway Authority has a duty of care to highway users including pedestrians and motorists. The Council is primarily concerned with maintaining the safe, unobstructed passage along the highway and will impose conditions which limit the amount and time of obstruction of the highway by a scaffold or hoarding. The Council will monitor scaffold activities which impact upon highway users, examples of which are:

- Height of first lift;
- Use of footplates;
- Use of foam padding and reflective tape to first lift verticals;
- Use of fan or netting and condition;
- Provision and operation of lighting;
- Width of scaffold and remaining footway (inc requirement for bus shelters or litter-bins to be temporarily relocated);
- Proximity of scaffold to road;
- Obstruction by scaffold of highway signs and nameplates;
- Compliance with conditions – Traffic Management, protection of verges, temporary footways in road etc.

Where a scaffold does not comply with our published Terms & Conditions an additional Inspection will be charged at a cost of £50.00. The additional Inspection fee will be to cover the cost of a repeat inspection to confirm that any reported issues have been rectified.

In circumstances where any reported issues are not rectified, or if a scaffold is erected on the highway without a licence, the County Council will instigate legal proceedings against the company.

If a scaffold is deemed to be dangerous then the company responsible will be contacted to make the scaffold safe or remove it. If this is not carried out immediately, the Council will make arrangements to remove the scaffold from the highway and claim the expenses from the company.

Following Expiry of Permission/ Removal of scaffolding and hoarding

In accordance with the Highways Act 1980, the County Council will take action where:

- A licence for placing a scaffold/ hoarding on the highway has expired
- The licence has not been renewed; and
- The scaffold/ hoarding has not been removed from the permitted location

When the scaffold/hoarding is removed from the Highway the area is to be left clean and tidy. You are required to notify the County Council's appropriate office where the licence was issued from, when the scaffold/hoarding is removed. This can be via telephone, fax or email. This will save the company from getting a reminder for a licence extension.

The County Council may inspect the site where the scaffold/ hoarding was placed. This will normally be arranged so that the applicant/ applicant's agent is present; if this is not possible the County Council may inspect the location without the applicant/ applicant's agent.

It is an offence under section 168 of the Highways Act 1980 to carry out building operations which gives rise to risk of serious bodily injury to persons in the street, this would include the erection and dismantling of scaffolding. The penalty of this offence is a fine not exceeding level 5 on the standard scale (currently £5000).

You are required to notify the

Nothing in this procedure affects or limits the County Council's powers under sections 140 and 149 of the Highways Act 1980 to remove anything causing a nuisance from the highway at any time. The costs incurred in such action will be recovered from the licensee.