



North

Yorkshire County Council

Licensing of Scaffold and Hoardings

within the

Highway in North Yorkshire

This is the procedure for licensing of
scaffold and hoardings within the County of North Yorkshire

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Foreword

The Traffic Management Act 2004 (TMA) has brought into force amendments to the New Roads and Street Works Act 1991 (NRSWA) which affects the methods by which local Highway Authorities (LHA) can currently licence skips, scaffolds, hoardings and building materials on the highway using the Highway Act 1980 (HA).

These amendments place a duty on LHA to record skips, scaffold and hoardings and building materials placed on the Highway on their Street Works Register and to coordinate the timing of such activities with the activities of the LHA's and the Statutory Undertakers (SU).

Further to these amendments, to cover the administrative burden of this licensing requirement on the LHA, the TMA allows charges to be made for issuing these licences.

Note:

Although there are several definitions of a 'highway', it is easiest to assume that for the purposes of Highways Act licensing, the highway includes the road, footway (or separate footpath), back street and grass verge.

If you are in any doubt as to whether the area you wish to place a scaffold or hoarding is a highway, please contact North Yorkshire County Council 08458 72 73 74.

If you consider that your proposals will affect street cleansing operations, car parking or refuse collection activities (particularly scaffold and hoardings in back streets) please contact the appropriate District Council (see details on page 37) before applying to the County Council for a licence.

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 £5000).

SCAFFOLDING LICENCE - 'GUIDANCE NOTES'

(Extracts taken from the National Access and Scaffolding Confederation (NASC) document for Pavement Licenses and the Health and Safety Executive (HSE) and Local Highway Authority Protocol)

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.

1 GENERAL

1.1 The application is for a licence (referred to as “a 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). The licence is for the occupation of the highway only.

1.2 Aluminium Towers – this guidance document does **not** cover the use of aluminium towers on the public highway, short term or otherwise. However, in accordance with s169 of the Highways Act 1980 a licence for the placement of these types of structures (short term or otherwise) is still required. The same principles and requirements of the Highway Authority relating to general scaffolding licences will apply.

2 CONSTRUCTION

2.1 In order to satisfy the requirements of the Work at Height Regulations 2005, every employer should take account of a risk assessment in order to avoid risks from working at height. 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.

2.2 The method, timing and duration required to erect any scaffold and/or hoarding will require careful and adequate planning to ensure that the highway and the general public are not put at additional undue risk during such erection and dismantling.

2.3 During the erection, altering and dismantling of scaffolding, measures should be taken to exclude the public from the work area and where possible a distance around it. The principle hazards are falling materials as they are handled by the scaffolders and structural stability of the scaffolding during erection, altering or dismantling. The work should be adequately planned and the risks assessed to include all necessary measures to protect the public e.g. segregation of work area using barriers, fencing or hoarding.

2.4 Scaffolds are only rarely independent structures. General practice is to attach a tie every 4 metres on alternate lifts. The stability of a scaffold structure is dependent, among other things, on the security of the anchors used to tie it back. The type of tie and anchor should be selected to suit the tying

requirements and the nature of the building facade. Refer to TG4:04 — Anchorage Systems for Scaffolding. The tie pattern will be determined by various factors such as the geographical location of the scaffold, the height of the scaffold, whether sheeting or debris net required, etc. Ties should be installed and tested progressively during the erection process.

2.5 Bracing is essential to stiffen the structure and wherever practicable, be divided into a complete series of triangles by braces.

2.6 Ledger bracing runs diagonally from ledger to ledger or standard to standard in zig-zag fashion.

2.7 Facade bracing either runs across the face at 45° or zig-zag fashion.

2.8 The number of un-braced bays should not exceed 4 in total. Bracing should not be removed to allow passage of materials

Note due to the technical complexity of the above; engineering advice must be sought at all times, the above is merely guidance.

2.9 **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 as appropriate.

2.10 Traditional Scaffolding (tube & fitting) or System Scaffolding - CISRS Scaffolder Card (or for more complex scaffold structures, The CISRS Advanced Scaffolder 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)

2.11 As a minimum, the supervision of scaffolding operations should be by a CISRS Basic Scaffolder (Part 2) or NVQ Level 2. For more complex scaffold structures, supervision must be by an Advanced Scaffolder.

2.12 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.

- 2.13 Hoardings must be erected around scaffolds, where these deny highway users the use of part of the width of a highway. Hoardings must be a minimum of 2 metres high (Ref. HSG 151), close boarded or faced with plywood, etc. to provide a smooth face and painted in a light uniform colour, unless otherwise agreed with the Local Highway Authority.*
- 2.14 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'*
- 2.15 A good Scaffold Plan (sometimes referred to as a method statement) will be clear and concise. It will identify the hazards, assess the risk and specify the precautions to be taken. A plan should also cover labour levels, tools and equipment to be used as well as what happens when work needs to be modified, e.g. review arrangements (perhaps by a supervisor, engineer, site agent, etc.).*
- 2.16 The scaffold plan should take account of the risks identified by the risk assessment and communicate the safe system of work to those undertaking it (SG4 and SG23). The scaffold plan is an effective way of providing information to employees about how work is expected to be done and precautions that should be taken.*
- 2.17 The licensee must implement any measures that the Highway 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.*
- 2.18 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 Highway 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.

2.19 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)¹ can be maintained around the scaffold structure and taking into account persons having a disability. In high pedestrian volume such as high streets and shopping areas this width may need to be up to 3.5metres.

2.20 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.

2.21 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).

2.22 Unless otherwise agreed with the local Highway Authority, all working levels of all elevations of each completed scaffold (unless access/inspection only scaffolds) must be enclosed with either debris netting or plastic type sheeting 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.

2.23 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 in place during the erection and dismantling of the scaffolding structure.

2.24 Protection fans should not be installed below a height of 5.05m (16'-6") above a carriageway when built to accommodate the potential hazard of vehicular traffic. The 5.05m (16'-6") 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.

2.25 Note: the type of protection fan to be constructed should be fit for purpose dependent on individual site requirements. Refer to NASC technical guidance TG20:08 for information relating to load classes and the designs of various protection fan arrangements. The local Highway Authority may require that pedestrian gantry scaffolds be designed.

2.26 The methods used to raise and lower scaffolding components will be determined by the safe system of work. The methods available will generally fall into one or other of the following categories:

Handballing ("chaining")

Light line ("hand line")

Gin wheel and rope

Forklift truck

Tower crane

Goods hoist

2.27 Scaffolding shall be kept back a minimum of 450mm from the carriageway edge, up to a height of 5.05m (16'-5"), measured from the kerb or the

highest point of the road surface level (whichever is the higher). If by agreement with the local Highway 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 Traffic Management measures will be required in addition to adequately secured and properly signed, guarded and lit barriers along the face of the structure and approved by the local Highway Authority.

2.28 Consideration should be given to providing additional protection against impact damage by vehicles. For example: Restricting the speed of vehicles and/or diverting traffic away from scaffolds; installing adequately anchored timber baulks as physical protection at vulnerable points. Care should be taken to avoid risk from projections at higher levels, taking account of the potential height of passing vehicles.

2.29 Where hoardings or scaffolds, inclusive of any additional safety zone or temporary footways, restrict the highway to less than 6.75 metres (in the case of two-way traffic) or 3.25 metres (in the case of one-way traffic), additional traffic controls and/or road closures will have to be considered as part of the application. In the event of a road closure, an additional twelve weeks notification is required. This time is required in order for the Local Highway Authority to advertise and seek legal agreement for the order. Proper precautions shall be taken to ensure that the surface water drainage of the carriageway is not interrupted by the platform or the hoarding and access to fire hydrants, lamp columns, manholes, junction boxes, etc. must be preserved.

2.30 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.

2.31 Partially erected/incomplete scaffolds must have a name board affixed and a warning notice board indicating 'Scaffold Incomplete – Not to be used' (or similar). A system should be in place to communicate (such as a scaffolding tag procedure) whether the scaffold is safe for use, its duty

rating/suitability, i.e. access, general purpose or heavy duty. If left overnight the incomplete scaffold must be lit.

2.32 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.

2.33 The nature of scaffolding operations greatly increases the risk of coming into contact with electric current from overhead electric power lines, lighting and alarm systems and lightning strikes. Work near to or beneath overhead electric power lines should be carried out after the lines have been made dead or otherwise made safe, to eliminate the risk of electric shock. In cases where it is necessary to work near to or beneath live overhead lines, the owner of the line(s) should be consulted about the proposed working methods and additional precautions will be required when erecting and dismantling to avoid the use of components which can reach high enough to contact the overhead line.

2.34 Advice is available in BS 6651: 1999 'Code of practice for the protection of structures against lightning' and NASC Guidance Note, SG3:02 'Earthing of Scaffolding Structures' and HSE Guidance Note GS6, 'Avoidance of danger from overhead electric power lines'.

2.35 An Ancillary Asbestos licence issued by the HSE, Asbestos Licensing Unit (ALU) will be required by the scaffolding organisation for the erection, modification, maintenance, inspection or dismantling of a scaffold if:

The scaffold will form any part of the framework or all of the support from which an asbestos enclosure will be built for the purposes of "working with asbestos";

The scaffold is to provide access/egress (on asbestos or otherwise) where it is foreseeable that asbestos is likely to be disturbed by the scaffolding activities.

2.36 A licence will not be required for normal scaffold operations on a location that is likely to have asbestos present unless the work falls into the above criteria.

3 PEDESTRIANS

- 3.1 *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 local Highway Authority. A joint site inspection will be required and additional conditions applied.*
- 3.2 *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.*
- 3.3 *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)*

4 MAINTENANCE

- 4.1 *During the period in which the scaffolding structure is allowed to stand, the structure shall be kept and maintained in good order and condition, and so as not to be injurious to the amenities of the neighbourhood and/or users of the highway.*
- 4.2 *All scaffold material, and associated fixtures and fittings, (including rubbish chutes, chains, ropes and lifting gear, etc.) must be of good condition, sound material, adequate strength and free from patent defect. When chutes, lifting gear or other devices are used for the removal of equipment or materials all necessary precautions must be taken for the safety of all highway users. During this operation the skip or lorry body must be sheeted down to minimise dust levels.*

- 4.3 *It is the responsibility of the scaffold contractor to implement a regular cleansing regime to keep the area of highway beneath the scaffolding clean and clear of debris.*
- 4.4 *Every hoist or pulley wheel must be adequately fenced.*
- 4.5 *Scaffold structures must be inspected by a competent person every 7 days or after alteration. In addition, they must always be inspected after bad or excessively dry weather or particularly high winds, which may have affected their strength and stability. The results of the inspections (including any faults found) should be recorded and made available on site. Daily safety pre-checks should also be undertaken by any persons using the scaffolding.*
- 4.6 *Although not a record of inspection a signed scaffold hand over certificate and scaffold plan should be obtained from the scaffold contractor before the scaffold is taken into use. The certificate should be retained on site and kept with the inspection records.*
- 4.7 *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.*
- 4.8 *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.*
- 4.9 *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.*

5 REMOVAL OF SCAFFOLDING STRUCTURE(S)

- 5.1 *Upon removal of the scaffolding structure(s), the pavement will be inspected and any damage to the highway will be made good by the local Highway 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 local Highway Authority may undertake a dilapidation survey prior to the erection of the scaffold at the expense of the licensee.*

5.2 *The local Highway 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.*

5.3 *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 local Highway Authority may lead to a fine of up to £5000 being imposed under (s169 (5) of the Highways Act 1980).*

6 MISCELLANEOUS

6.1 *Unique Street Reference Numbers (USRNs) are obtained from the National Street Gazetteer. The Highway Authority will provide these numbers on request.*

6.2 *Further separate licences must be applied for where the licensee intends to place a skip on the highway and/or place building materials on the highway.*

7 Pre-start checklist for the planning and procurement of scaffolding

Before completing your scaffold permit application, or erecting/dismantling scaffold, you should consider the following:

Client/Principal Contractor

Planning

Have you applied for a Scaffolding Permit?

Have you consulted the Local Highway Authority concerning: traffic restrictions and/or road closures, hours of work, exclusion zones, etc. (Do not assume that a road closure will not be granted)?

Have you obtained information from the statutory undertakers and consulted them on any restrictions (particularly for overhead cables)?

Have you provided relevant structural survey information, including whether drilled ties or physical ties can be used (e.g. box or through ties)?

Prospective Scaffolding Contractor(s)

Can you demonstrate that you have selected a competent scaffolding contractor?

Tenders/Pricing

Has the scaffolding contractor been informed (preferably in writing) about the type and extent of work, including the required duty rating?

What trades will be on site?

Have you included, as appropriate, the following requirements in your contract documentation (e.g. bill of quantities, specifications)?:

Design criteria, e.g. type of scaffold, duty rating, Standard (viz. TG20, BS EN 12811, etc.);

Service information (below and above ground);

Weather conditions;

Information relating to below-pavement basements, retaining walls, manholes, etc;

Security, hoarding and fencing (at least 2m high, unless specified otherwise);

Lighting and earthing;

Parking and loading of vehicles;

Traffic management;

Signage (including the provision for advertising);

Public protection, e.g. sheeting, debris netting, fans;

Exclusion zones;

Level of supervision;

Lifting and lowering of materials;

'Attendances' (e.g. for the alteration of ties, etc);

Debris chutes;

Stair towers;

Statutory inspections;

Site access and egress;

Welfare facilities and space to locate them;

Arrangements for ongoing statutory inspections of any scaffolding;

Have you informed the scaffolding contractor about your site rules?

Pre-Contract

Have you reviewed the Scaffolding Contractor's proposed system of work, risk assessment and scaffold plan (method statement)?

Have all emergency details been posted on the Information Board?

Have you made arrangements for electrical testing e.g. lighting?

Scaffolding Contractor

Tendering/Pricing

When pricing the work, have you:

visited the site; met the

Client/Principal Contractor;

made an allowance for the requirements specified in the contract

documentation, e.g. bill of quantities, specifications (see above); confirmed (preferably in writing) the type and extent of work, including the exclusion zone(s) and duty rating;

Does the scaffold require a full structural design, e.g. by a competent scaffolder designer?

Have you consulted any relevant statutory authorities concerning your proposed methods of work and any precautions required (particularly for overhead cables)?

Pre-Start

Have you requested a pre-start meeting with the Client/Principal Contractor?

Have you been informed about the Principal Contractor's Induction arrangements?

Have you proposed a safe system of work and prepared a risk assessment and scaffold plan ('method statement')?

In selecting an appropriate type of tie, have you: assessed the integrity of the structure to which the tie will be attached (for drilled ties) undertaken 'preliminary tie testing' (see NASC's TG4).?

Have you prepared a sketch or drawing showing the proposed tie sequence?

Is the job to be supervised by a competent scaffolder?

Do you have a written Policy for the testing of ties?

Is your testing equipment calibrated?

Erection/Dismantling

Have you arrangements for briefing your operatives?

Have they signed any relevant documentation?

Do you maintain a record of competence and training for operatives and supervisors?

Section A

Procedure for licensing scaffold and hoardings on the Highway and co-ordination with Street Works

1. Introduction

1.1 This procedure has been written in accordance with sections 169, 172, & 173 of the Highways Act 1980, sections 68 to 70 of the Traffic Management Act 2004 and Chapter 8 of the Traffic Signs Manual.

2. Background

- 2.1 North Yorkshire County Council ('the County Council') is the Highway Authority for all roads (with the exception of trunk roads and motorways) within the County of North Yorkshire.
- 2.2 The Highways Act 1980 gives the County Council the power to authorise people or companies to place certain items (skips, scaffold and hoardings and building materials) on the highway. Anyone placing these items on a highway without a licence from the County Council is committing a criminal offence.
- 2.3 Under the Traffic Management Act 2004, the placing of skips, scaffold and hoardings and building materials on the highway must be recorded by the County Council as additional information on the Street Works Register.
- 2.4 This procedure sets out the County Council's approach to issuing authorisation for installing scaffold and hoardings on the Highway in accordance with the Highways Act 1980 and co-ordinating those works with other Street Works.

3. Registration of a Scaffold Company Refer to section D for the application form

3.1 Before a company can place a scaffold or hoarding on the highway, the company needs to be registered with the County Council.

3.2 The company's details will be held in an electronic register and the Council will record the following information:

3.2.1 Company name and address;

3.2.2 Contact details including contact name, telephone, mobile, email and fax information;

3.2.3 Details of Public Liability Insurance;

3.2.4 Proof of competency eg National Scaffold accreditation body affiliation (NASC or similar) or copies of CISRS cards

3.3 This registration from the company needs to be verified for validity.

3.4 There is currently no fee for registration.

4 Form of application to place a scaffold or hoarding within the Highway

4.1 The County Council needs some basic information to grant authorisation for a scaffold or hoarding to be placed within the Highway. Your application will only be considered complete when the County Council has received all the information requested.

4.1.1 In the circumstances specified in the Highways Act 1980, an application for consent must be accompanied by a notice in the form prescribed by the regulations. This notice is defined in three parts, the application for the licence, the licence itself and notification of when the scaffold/hoarding is removed.

4.2 To assist applicants, the County Council has provided Scaffolding Licence guidance notes and a form that helps you supply all the information we will need to process your application, which can be faxed, emailed or posted to us. See section C for contact details. Please photocopy if required or you can request an electronic copy.

Alternatively, applications can be made via the County Council's Customer Service Centre by telephoning 08458 72 73 74.

4.3 Where the County Council does not have all the information it requires to process the application, we will contact the applicant and explain what further information is required. Where the payment is not included with the application and an account system is not in operation, we will contact the applicant to request the payment.

4.4 The County Council cannot proceed with the application until it has received the correct application for the licence or extension and payment or confirmation of the accounting system.

5 Determination of the application

5.1 As soon as practicable after receiving a complete application, the County Council will decide whether to inspect the proposed scaffold/hoarding location.

5.2 The County Council will normally process the application within 3 working days, unless issues need to be resolved.

5.3 If a licence is granted, the County Council will consider whether to attach conditions to the licence, and if so inform the licensee what those conditions are.

6 Co-ordination with Street Works

6.1 The County Council will check the dates of your application against the register of Street Works. Where we consider that placing the scaffold/hoarding will interfere with any current or proposed Street Works or Road Works carried out by either a Statutory Undertaker or by, or on behalf of, a Local Authority, we will normally negotiate with you for the scaffold/hoarding to be placed on the highway on different dates.

6.2 If, for any reason, you cannot be contacted or we cannot agree a different date, the County Council may refuse authorisation.

7 Actions following issue of Licence

7.1 At any time after the issue of a licence under sections 169, 172 & 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.

7.2 Nothing in this procedure limits the County Council to one inspection, and the County Council may carry out further inspections at any time.

7.3 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:

7.3.1 Instruct the licensee to comply with the conditions;

7.3.2 Instruct the licensee to remove or alter the position of the scaffold/hoarding;

7.4 Nothing in this procedure shall prevent the County Council taking any action it deems appropriate in the interests of highway safety, whether or not under paragraph 7.3.

8 Actions following expiry of permission

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

8.1.1 A licence for placing a scaffold/hoarding on the highway has expired;

8.1.2 The licence has not been renewed; and

8.1.3 The scaffold/hoarding has not been removed from the permitted location.

9 Removal of scaffold/hoardings

9.1 When the scaffold/hoarding is removed from the Highway the area is to be left clean and tidy

9.2 You are required to notify the 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.

9.3 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 if convicted of this offence is a fine not exceeding level 5 on the standard scale (currently £5000).

9.4 **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.**

Section B

Conditions of erecting a scaffold/hoarding within the highway

1.0 Conditions and Agreement

1.1 Under sections 169, 172 and 173 of the Highways Act 1980 and sections 68 to 70 of the Traffic Management Act 2004, a licence is required to place a scaffold/hoarding on the public highway. North Yorkshire County Council, being the Highway Authority for North Yorkshire, have the authority to issue these licenses.

1.2 The County Council as Highway Authority may undertake a detailed visual inspection both before and after the scaffold/hoarding has been deposited and removed.

1.3 The applicant will indemnify the County Council against all claims, proceedings, costs and expenses arising from or in connection with any licence issued.

1.4 Public Liability Insurance giving minimum cover of £5m 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.

1.5 **3 working days** notice must be given before placing of a scaffold/hoarding on a highway, unless an early start has been previously arranged (which will incur an additional fee).

1.6 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. Early liaison with the County Council is advised if a scaffold is expected to be placed within 450mm of a carriageway; as detailed traffic management may need to be designed

and implemented or legal Traffic Regulation Orders may need to be prepared and advertised.

1.7 Where the scaffold/hoarding occupies highway space upon which there is a Traffic Regulation Order relating to charging for on-street parking, the applicant must reimburse the relevant authority for loss of income (which may include County, Town and District Councils). An agreement is to be obtained between the applicant and the relevant Authority before a licence will be issued. It is the responsibility of the applicant to organise this and the relevant authority will be reimbursed directly and independently of the scaffold licence payment.

1.8 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.

1.9 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 County Council on routes designated as traffic sensitive.

The licensee shall comply with Chapter 8, of the Traffic Signs Regulations and General Directions 2002 (TSRGD), together with such other conditions as may be required. 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.

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’

- 1.10 Nothing will be deposited in, or partly in, the carriageway of the road preventing the free passage of vehicles or pedestrians along the carriageway in at least one direction. Nor will anything prevent the free passage of pedestrians when deposited in a pedestrian precinct.
- 1.11 Nothing will be deposited in, or partly in, the carriageway of the road preventing the free passage of vehicles and or pedestrians to any premises unless the consent of the occupier of those premises has been obtained.
- 1.12 If a scaffold/hoarding is to be positioned in a back street, arrangements must be made to ensure the unobstructed access for refuse collection.
The licence holder shall seek details from the appropriate District Council (see page 37).
- 1.13 No scaffold/hoarding will be used in such a way that any of its contents fall on to the highway.
- 1.14 No scaffold/hoarding will remain on the highway pursuant to this permission after the period of the permission specified has expired.
- 1.15 Upon the expiration of this permission, all materials placed on each scaffold/hoarding must be properly disposed of and the highway must be left in a clean and tidy condition. The permanent reinstatement of the disturbed highway caused by the erection and/or dismantling of the scaffold or hoarding will be carried out by North Yorkshire County Council and the costs claimed from the applicant. The responsibility of proof that any damage to the highway was not as a result of scaffold or hoarding operations lies with the licence holder.
- 1.16 Where the erection of any scaffold or hoarding would result in encasing, obscuring or require the removal of any street furniture (eg litter bins, lighting, signing, seating and guard rails etc.) removal and reinstatement of the furniture will be undertaken by the Council or District Council and costs claimed from the licence holder.

1.17 In accordance with Highways Act 1980, the licence holder must secure compliances with the above requirements whilst the scaffold/hoarding is on the highway. Any licence holder who fails to comply with the above requirements is guilty of an offence under section 169 of the Highways Act and is liable to a fine not exceeding level 5 on the standard scale (currently £5000).

1.18 If a scaffold/hoarding is erected on or over the public highway for which a licence has not been granted, the scaffold company is guilty of an offence and is liable to a fine not exceeding level 5 on the standard scale (currently £5000).

1.19 If ownership of the scaffold/hoarding cannot be established and is in the opinion of the County Council causing a nuisance, it will be removed under the conditions of section 149 of the Highways Act 1980.

Note:

Chapter 8, section O3.28.2 of “The Traffic Signs Manual” states that:-

O3.28.2 Where scaffolding or other type of temporary structure is erected on or adjacent to a footway, or any other part of a roadway or highway, it is essential that its presence is made clear to visually impaired people as required by the Highways Act 1980 and Chapter 43 of the Disabled Persons Act 1981. Each tubular support should be provided with a white band, 150mm in depth, the lower edge of the band being about 1.6m above ground level. Temporary close-boarded structures delineating a footway should be provided with a continuous white band of the same depth and at the same height above the ground level in the immediate vicinity. Scaffolding and temporary structures adjacent to a footway should be lit during the hours of darkness.

(Full document available from

<http://www.dft.gov.uk/pgr/roads/tss/tsmanual/tsmchap8part2.pdf>)

Section 169 of the Highways Act 1980 requires the licence holder of a scaffold which has been deposited on the highway, to adequately light the scaffold between half an hour after sunset and half an hour before sunrise. If the licence holder is convicted of an offence under this section of the act, he may be liable to a fine of up to level 3 on the standard scale (currently £1000).

Section 172 of the Highways Act 1980 requires the licence holder of a hoarding which has been deposited on the highway, to adequately light the hoarding during the hours of darkness. If the licence holder is convicted of an offence under this section of the act, he may be liable to a fine of up to level 3 on the standard scale (currently £1000).

Section C Company registration

Information

A company can become registered with the County Council to install and maintain scaffold and hoardings on/over the highway provided they undertake the following process:

The company annual registration form is completed. By completing this form the company has agreed to the terms and conditions presented in highway legislation and in this document. Evidence of £5 million public liability insurance (PLI) cover and proof of competence is also required. Proof of competence can be demonstrated by supplying NASC membership details or alternatively copies of scaffolder's CISRS cards.

The company's details will then be entered onto North Yorkshire County Council's register of scaffold providers (providing the documentation is in order). As soon as registration is confirmed a company may apply for a scaffold/hoarding licence as appropriate.

There is no charge for the registration, however it is the company's responsibility to ensure the County Council is provided with current information including current address and valid PLI.

Company registration conditions

Before licenses can be issued to companies, they must be registered. If you wish to be included in the register you must complete the following:

Steps for you to complete:

1. Read the company registration conditions
2. Complete and sign the registration form.
3. Send via fax, mail or email to your local Highway Area Office as identified in Section G of this policy.
4. Attach a copy of your public liability insurance
5. Attach a copy of your National Scaffold accreditation body membership (NASC or similar) or copies of CISRS cards.

Steps for North Yorkshire County Council to complete:

1. The details of the application will be checked
2. The information will be recorded within the register
3. The approval will be sent to you
4. In the event of refusal you will be contacted.

Company registration - Registration form

This section of the form is for you to complete

I have read and agree to comply with the Section B 'Conditions of a Licence for placing scaffold and hoardings within the Highway for inclusion in the annual agreement register. I am applying on behalf of:

Company Details

Name of Company

Address and postcode

Contact Details

Name

Address and postcode

Telephone

Mobile

Email

Fax

Copy of £5 million minimum public liability insurance certificate

Copy of your National Scaffold accreditation body membership

Copies of employees CISRS membership cards

Choose method of payment: Cheque on application Monthly account

Signed

Dated

On behalf of company

This section is for the Council to complete

North Yorkshire County Council acknowledges your registration

Signed

Dated

For Director of Business and Environmental Services

Section D

Licence for scaffold and hoardings within the highway: conditions and application form

Conditions

If a scaffold/hoarding is to be placed within the highway, the highway authority must grant a licence to a registered company.

Steps for you to complete to receive approval from North Yorkshire County Council:

1. Read the 'scaffold and hoardings within the Highway' licence conditions and scaffolding guidance notes.
2. Complete and sign the application form
3. Send via fax, mail or email to your local Highway Area Office as identified in Section G of this policy.
4. Enclose payment (see Section F: Scale of Fees), if you are not registered with an account (plus additional cost for early start, if required)
5. Attach diagram showing where you propose to place scaffold in relation to the footway and road.

Steps for North Yorkshire County Council to complete:

1. Consider the application in relation to highway safety
2. Check that the fee is correct for the length of the proposed licence.
3. Send approval via mail or fax.
4. If a licence is not granted you will be contacted.

North Yorkshire County Council
Application for a Scaffold/ Hoarding Licence- Highways Act 1980, Section
169/172

Important Information

Please take a few minutes to read the information below as it contains important information relating to your application

- Please read the **Scaffold/ Hoarding Licence Guidance** which accompanies this form before completing it.
- It is the licensee's responsibility to ensure that the scaffolding or other structure, is structurally sound, is properly erected to current standards and maintained, and that adequate provision is made for the safe passage of highway users.
- This application is for a licence to occupy the public highway only.
- 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.
- All licence applications for scaffolding structures must comply fully with the County Council's standard conditions.
- This form helps you supply all the information we will need to process your application, please complete in full. Your application will only be considered complete when the County Council has received all the information requested.
- Please complete the form in block capitals and provide as much information as possible.
- Please ensure that you have enclosed the correct fee.
- Information about the latest roadworks and road closures in North Yorkshire can be found on: www.northyorks.gov.uk/roadworks
- If you have any queries concerning your application please contact North Yorkshire County Council on 01609 **780780**.
- This application should be returned so as to be **received at least seven days before the date on which the scaffold/ hoarding is to be erected**.
- Return email your completed form to your local Highway Area Office as identified on the location map in Section G.

Section One: Applicant Details

Details of Scaffolding Contractor

Name of Scaffolding Contractor			
Contact Name			
Company Address			
Telephone (office hours)		Emergency telephone	
Email address		Fax Number	
Are you included on NYCC's list of registered Scaffold Companies Note: You must be registered to obtain a scaffold licence. For details on how to register please see Section C	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

Details of Principal Contractor (if applicable): For Information Only.

Name of Principal Contractor			
Contact Name			
Company Address			
Telephone (office hours)		Emergency telephone	
Email address		Fax Number	

Section 2: Site Specific Information

Application is for a licence to permit the erection of:	<input type="checkbox"/> Scaffolding	<input type="checkbox"/> Hoarding
Time Licence required	From:	To:
Precise location where scaffolding structure is to be sited full address including street name, number & post code OS Grid ref:		
Type of scaffolding structure to be used e.g. light independent, heavy duty independent, general purpose, independent bird cage, access tower, putlog, etc		
Purpose(s) of the use of the scaffolding e.g. new build, demolition, painting, etc		
Base dimensions of proposed scaffolding structure (in metres). Note: For applications with multiple elevations, details are to be provided on drawings.	m long x	m wide x m high

Item	QUESTION (tick appropriate column)	Yes	No	N/A
A.	Will the scaffolding structure be closer than 450mm to the edge of carriageway?	<input type="checkbox"/> ¹	<input type="checkbox"/>	
B.	Will there be a minimum width of 1.125m (5 boards) of UNOBSTRUCTED footway for pedestrian access maintained?	<input type="checkbox"/>	<input type="checkbox"/> ¹	
C.	Will the scaffolding structure obstruct or obscure any of the following: traffic signal, traffic signal controller, bus stop, pedestrian or controlled crossing, junction sight line, road lighting column, and traffic sign, parking bay, waiting restriction sign, highway drainage gully, any other ironwork in the highway or other street furniture?	<input type="checkbox"/> ¹	<input type="checkbox"/>	
D.	Will any part of the highway require closure during erection or dismantling operations? Note: Road closures require a minimum notice period of 8 weeks	<input type="checkbox"/> ¹	<input type="checkbox"/>	
E.	Will hoarding be attached to the scaffolding? Note: the scaffold design will be required; there may also be the requirement for an additional hoarding permit.	<input type="checkbox"/> ¹	<input type="checkbox"/>	
F.	Has a scaffold plan been submitted? (to include detailed site layout drawing, risk assessment & method statement)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹A site meeting is required between the Applicant and a Highway Authority representative to discuss and agree a solution before a licence is issued. This will be detailed in the traffic management plan.

Declaration

I agree to indemnify the County Council against all claims, proceedings, costs and expenses arising from or in connection with any licence issued. Public Liability Insurance giving minimum cover of £5m for Scaffolding is in place. This amount may be increased if the County Council considers that the site location requires a higher degree of cover.

I agree that I am responsible for the safety of the scaffold; this responsibility is for all aspects of the scaffold in its entirety including design, erection, dismantling, ties to buildings, lighting, netting and foundations. I am further responsible for ensuring that the scaffold design, construction and maintenance is in compliance with BS EN 12810/12811 or NASC guidance TG20:08 and that the scaffold is erected, altered and dismantled in accordance with the Work at Height Regulations 2005.

Work may not commence until the date specified on the licence and should be carried out within any specific limitations of time and date.

Please sign below to declare that the information you have provided on this form is correct and that you acknowledge and accept the terms of the licence and have read and understood the County Council's Guidance.

Signed:	Date:
Print Name:	Job Title:

Application Checklist

- Have you completed the form?
- Have you included the correct payment?

Section E

Extension of Licence for scaffold and hoardings within the highway: conditions and application form

Conditions

A scaffold company may obtain an extension to a scaffold/hoarding licence for an extra four weeks. This will incur an additional cost. North Yorkshire County Council limits the length of time a licence covers to four weeks. Situations do change; street works may be notified by a utility company or even road closures may be required. For that reason we will check the location and dates again to see if the licence extension can be permitted.

The conditions of the original licence will also apply to the extension.

Steps for you to complete to receive approval:

- 1. Print this application form**
2. Quote the licence number that is to be extended
3. Complete and sign the application form.
4. Send via fax, mail or email to your local Highway Area Office as identified in Section G of this policy.
5. Enclose payment (see Section E Scale of Fees) if you are not registered with an account.

Steps for North Yorkshire County Council to take:

1. Consider the effect of the extension.
2. Cross check the location with any notices received on the Street Works Register.
3. Contact you giving consent or an explanation if your request is declined.

Scaffold and hoardings within the highway - extension/consent to licence This section is for you to complete

I have read and agree to comply with the Section B 'Conditions of a Licence for placing a scaffold/hoarding within the Highway' for the placing of a scaffold/hoarding on the Highway

I am applying for permission to extend licence number

From (date) _____ to (date) _____

Contact Details

Name:

Address and postcode:

Telephone:

Mobile:

Email:

Fax:

Signed

Dated:

On behalf of scaffold company:

This section is for the Council to complete

Date received:		Cheque amount:	
Date sent:		Officer:	

The Council as Highway Authority gives its consent to the applicant, under section 169, 172 & 173 of the Highways Act, to place a scaffold/hoarding on the highway at the above location.

Signed:

Dated:

For Director of Business and Environmental Services

Section F

Scale of Fees Scaffold/Hoarding Licence Fees

Scaffold and Hoarding Licences Fees can be found on the County Councils Website at www.northyorks.gov.uk/highwayfees VAT is not payable.

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

Section G

Highway Area Office: Location Map and Contact Details



<p>Area 1- Richmond Gatherley Road Industrial Estate, Brompton on swale, North Yorkshire DL10 7JQ Email: Area1.Richmond@northyorks.gov.uk Fax: 01748 810354</p>	<p>Area 2- Thirsk Thirsk Industrial Estate York Road, Thirsk North Yorkshire YO7 3BX Email: Area2.Thirsk@northyorks.gov.uk Fax: 01845 522603</p>	<p>Area 3- Whitby Cholmley Way, Whitby North Yorkshire YO22 4NQ Email: Area3.Whitby@northyorks.gov.uk Fax: 01947 820314</p>
<p>*Richmondshire District Council 01748 829100</p>	<p>*Hambleton District Council 0845 1211 555</p>	<p>*Scarborough Borough Council 01723 232323</p>
<p>Area 4- Pickering Beansheaf Industrial Park Tofts Road, Kirby Misperton North Yorkshire YO17 6BG Email: Area4.KirbyMisperton@northyorks.gov.uk Fax: 01653 669578</p>	<p>Area 5- Skipton Snaygill Estate (off Keighley Road), Skipton North Yorkshire BD23 2QR Email: Area5.Skipton@northyorks.gov.uk Fax: 01756 700398</p>	<p>Area 6- Starbeck Stump Cross Boroughbridge North Yorkshire YO51 9HU Email: Area6.Boroughbridge@northyorks.gov.uk Fax: 01423 323952</p>
<p>*Ryedale District Council 01653 600666</p>	<p>*Craven District Council 01756 700600</p>	<p>*Harrogate Borough Council 01423 500600</p>
<p>Area 7- Selby Canal Road, Selby North Yorkshire YO8 8AG Email: Area7.Selby@northyorks.gov.uk Fax: 01757 701478</p>		<p>*Selby District Council 01757 705101</p>

*Contact District Councils for details of street cleansing, refuse collection and parking zones and charges etc.

Scaffold licences: Frequently Asked Questions

Does registration with NYCC allow me to place a scaffold on the highway? No; This registration only proves to the Council that your company is a reputable business, each individual location for a scaffold must be checked by the Council to ensure that it is suitable; and that there are no other plans for that section of the highway (like repaving or utility company works).

How much will a licence cost to erect a scaffold over the footway, even if the scaffold does not obstruct the footway?

If the scaffold is above a highway (road, footway or grass verge) the Highway Authority must record it on the Street Works Register and therefore charge a licence fee. The standard fee for a licence issued 3 working days after request is £180.

I have been asked to erect a scaffold urgently. I need a licence immediately, how much will this cost?

As there isn't time for our Inspectors to programme the site inspection into their routine inspections, this will incur the cost of a licence and a separate inspection totalling £205 (£180 Licence Fee + £25 Additional Inspection Fee).

My original plan was for the scaffold to be removed after 3 weeks but now the works have been delayed and I need to leave it up for a further 2 weeks. Will this cost any more?

Yes; if you don't let us know that any scaffold has been removed, we will charge a Licence Extension Fee of a further £80 (per 4 week period). If your scaffold remains in place longer than 8 weeks then another £80 will be payable and this will be repeated for every additional 4 week period until the scaffold is removed.

I need to erect a hoarding and following my scaffolder's site inspection it appears that there will be less than 1.5 metres of footway left for pedestrians to walk along. Why does this cost more for a licence?

If there is less than 1.5 metres of available footway remaining for pedestrians to use then the Inspector may need to obtain further advice regarding traffic management, which could include some road space being coned-off and allocated to pedestrians. If required, you, as applicant will be responsible for maintaining this.

The pavement where I need to erect a scaffold is very narrow and the scaffold will extend into the road, will this cost more?

Yes; Scaffold licences are not issued over roads (including back streets) except by prior special permission from an inspector. The inspector will consider site specific traffic management risks and may require a detailed Traffic Management Plan including signing and guarding in accordance with Chapter 8 of the Traffic Signs Manual. For this reason Scaffold Licences over the road attract individually identified fees.

What will happen if a scaffold is erected in contravention of NYCC Terms & Conditions?

Any scaffold on the highway that doesn't comply with our Terms & Conditions will incur extra Inspection charges and if not immediately resolved, then the County Council will instigate legal proceedings against the licence holder. If the scaffold is dangerous, we will arrange for its removal. Any costs will be recovered from the licence holder.

What are NYCC's standard opening hours?

Monday – Friday 8:00 – 17:15. Applications received after 17:15 will not be recorded and processed until the following working day, therefore if this is within 3 days of the requested licence then an early start fee will apply.