

Section 169 Highways Act 1980
Permit to erect scaffolding or other relevant structure on the highway
Terms and Conditions

Jan 2019

In applying for a permit to place scaffolding or other relevant structure on the highway, the scaffolding company and hirer of the scaffolding agree to the terms and conditions noted below:

Scaffolding/hoarding is erected to provide safe working conditions for those involved in building works. However, it should be noted that the conditions laid down by the relevant sections of the Highways Act 1980 are for the protection of the public and powers exist to enforce them by the stopping of work on a scaffold or by the ordering of the scaffold/hoarding to be dismantled should the conditions not be complied with. Should a person fail to comply with the terms and conditions of the licence he is guilty of an offence and liable to a fine under Sections 169(5) of the Act.

General:

1. The Licence will be granted only to the Licensee, being the company responsible for the erection of the scaffold/hoarding or other structure.
2. Newcastle City Council (The Council) reserves the right to vary the conditions of the Licence at any time during the period of the Licence in exercise of its statutory duties.
3. The Council 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.
4. 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. Failure to comply with conditions set by the Council, may lead to a fine of up to £5000 being imposed under (s169 (5) of the Highways Act 1980).
5. If circumstances change, the Council may in pursuit of its duty under Section 16 Traffic Management Act 2004 to secure the expeditious movement of traffic on its road network, require the scaffold/hoarding to be moved or altered by the Licensee during the licenced period. Such a request must be actioned within 48 hours of the request being made. The Council shall not be liable for any costs incurred.
6. Evidence of Public Liability Insurance Cover for a minimum value of £5 million is required.
7. The Council shall be indemnified against any claim, actions, proceedings or loss or damage arising as a result of the presence of any hoarding and or scaffold structure to which the licence applies.
8. All permit applications will require plans and drawings and should include the following information:
 - A site plan which clearly identifies the location address.
 - Plan view and elevation drawings of the proposed scaffolding/hoarding. Scaffolding drawings should be of sufficient detail to show all horizontal and vertical tubes, landings, toe-boards, hand rail and access points.
 - Site plans should include all working areas required on the public highway/footpath during the period of erecting and dismantling the scaffolding and the measures to be put in place to protect the public in these areas. The location of scaffold equipment vehicle parking on the public highway should also be identified.

Plans and drawings should be to a recognised scale/dimensioned as appropriate. Please note that sketches made on Google map images or similar will not be accepted in lieu of the above plans and drawings.

Scaffolding, Hoarding & other structures:

9. Scaffolds should be designed to a standard NASC TG20, BS EN 12811 or other suitably approved document. It should be erected, altered and dismantled only by competent persons and the work should always be carried out under the direction of a competent supervisor, as per the requirement of the Work at Height Regulations 2005.
10. The structure shall be erected and dismantled without causing obstruction to the highway (e.g. outside of rush hour / peak periods). After dismantling the site shall be cleared and restored to the satisfaction of the Highway Authority. Any damage to the highway shall be made good at the Licensee's expense (see Condition 25 below).
11. Operational vehicles must not obstruct other vehicle/pedestrian traffic during the delivery, erection, dismantling or removal of the scaffold/hoarding.
12. Scaffold structures on or over a footway that continues to be used by the public must have minimum clear headroom of 2.6 metres. Cross bracing below this height will not be allowed due to the potential danger to those with impaired vision. Cross bracing at ground level is not permitted under normal circumstances. If it is required for the integrity of the structure then an unobstructed close-boarded or sheet timber-walking platform is to be provided whilst maintaining clear headroom of 2.6 metres. All scaffolding below a height of 2.6 metres shall be adequately colour contrasted by using 'warning' adhesive tape or by painting in white or bright yellow. Any projections or protruding parts shall be adequately covered or padded to prevent possible injury to the public.
13. A minimum unobstructed footway width of 1.5 metres shall be maintained in busy pedestrian areas. A minimum of 1.2 metres unobstructed footway may be deemed acceptable at less busy locations. Safe access should be maintained for pedestrians with a disability and travelling with children. Tapping boards and handrails shall be provided for the full length of the structure except for access points.
14. If it is not practical to provide a safe route through the scaffold / hoarding structure an alternative route must be provided around the structure to provide safe passage. If pedestrians are diverted onto the carriageway they must be separated from moving traffic by suitable physical barrier and the safe passage signed and guarded to the satisfaction of the Council's Traffic Management Section 0191 2116145 & Street Management Section 0191 2115916.
15. If any part of a scaffold or hoarding lower than 4.9 metres comes within 0.5 metres of the kerb, a temporary kerb shall be provided to give an additional 0.5 metre clearance. No part of a scaffold or hoarding below a height of 4.9 metres shall overhang the carriageway. Any scaffold or hoarding outside of the aforementioned zone or where the scaffold / hoarding or temporary footpath is to encroach onto the carriageway will require prior consultation to the Council's Traffic Management Section (0191 2116145) and Street Management Section (0191 2115916) prior to grant of this license. Please note that up to **4 weeks' notice** is required by these departments. Terms and conditions as stipulated by Traffic & Street Management Sections should be met.
16. Where any street lighting, traffic signals, road signs, or similar apparatus, are situated within or adjacent to the scaffolding structure, arrangements must be made with the Council's Traffic Management Section 0191 2116145 & Street Management Section 0191 2115916. Enclosing or otherwise obscuring any street lighting, traffic signals, road signs, or similar apparatus must only be done with approval in writing from the Council.
17. An overhead panel or platform shall be provided to protect pedestrians from falling objects. Should the structure be used for the washing down of a building it must be completely sheeted to protect the public and provision must be made for any run off water to be discharged safely away from the highway.
18. Any structure shall be adequately secured in place and able to withstand all expected loadings / stresses.
19. Appropriate warning signage should be provided at all stages of construction.
20. The name and address and telephone contact number of the Licensee shall be clearly displayed on the structure.
21. The structure must be lit during the hours of darkness (that is to say that period between half an hour after sunset and half an hour before sunrise) with red warning lights at each end and at every 6 metres. A gantry must have white lights under it if the area is accessible by the public.
22. Doors or access points within the structure shall not open onto the highway.
23. Fire hydrants or other similar apparatus must not be enclosed by the structure without the Licensee obtaining the consent of Tyne and Wear Fire and Rescue Service.
24. All scaffold tubes on the highway shall be supported on base plates. Sole plates must also be used where the loading may in any way damage the highway surface.

25. The Licensee shall ensure that the public footpath or carriageway on which the scaffold/hoarding is to be erected is in good repair. You should therefore record the surface condition prior to the date of the erection process including any photographic evidence and documented details of the date this inspection took place. It should be noted that you will be charged for any subsequent damage to the footpath or carriageway. In the absence of any documented information, the Council will assume that the footpath or carriageway was in good repair at the date the licence was issued and any resultant damage is attributable to the erection or dismantling of the scaffold/hoarding to which the licence applies.
26. During the period in which the scaffolding, hoarding or other structure is in place, it shall in its entirety be kept and maintained in good order and condition to the reasonable satisfaction of the Council. All scaffold material, and associated fixtures and fittings (including rubbish chutes, chains, ropes and lifting gear, etc.) must be checked and maintained in good condition, made of adequate / sound material, adequate strength and free from defects. When chutes, lifting gear or other devices are used for the removal of debris 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.
27. Where a person has erected a hoarding or fence in compliance with section 172, Highways Act 1980.
 - (a) if the appropriate authority so require, make a convenient covered platform and handrail to serve as a footway for pedestrians outside the hoarding or fence;
 - (b) maintain the hoarding or fence and any such platform and handrail in good condition to the satisfaction of the authority during such time as the authority may require;
 - (c) if the authority so require, sufficiently light the hoarding or fence and any such platform and handrail during the hours of darkness; and
 - (d) remove the hoarding or fence and any such platform and handrail when required by the authority.

Tower Scaffolding:

28. The type of tower selected must be suitable for the work and erected and dismantled by people who have been trained and are competent to do so.
29. Those using tower scaffolds should be trained in the potential dangers and precautions required during use on the public highway.
30. To maintain tower stability you must make sure, the tower is resting on firm, level ground with the locked castors or base plates properly support, never use bricks or building blocks to take the weight of any part of the tower, stabilisers or outriggers are installed when required by the instruction manual, and that a tower is never erected to a height above that recommended by the manufacturer.
31. Tower scaffolds must comply with the standard of required for all types of scaffolds, eg double guardrails, toe-boards, bracing and access ladder.
32. All towers must be inspected following assembly and then at suitable regular intervals by a competent person. In addition, if the tower is used for construction work and a person could fall 2 metres or more from the working platform, then it must be inspected following assembly and then every 7 days.
33. Never use a scaffolding tower, in strong winds, as a support for ladders, trestles or other access equipment, with broken or missing parts, or with incompatible components.
34. Moving scaffolding towers; When moving a tower you should always, reduce the height to a maximum of 4m, check that there are no power lines or other obstructions overhead, check that the ground is firm, level and free from potholes; and push or pull using manual effort from the base only. Never move a tower while people or materials are on the tower, or in windy conditions.
35. Tower scaffolding to comply with all the requirements for scaffolding, hoarding and other structures, where applicable.

Embargo:

36. Newcastle City Council operate an embargo on the erection and dismantling of scaffolding in city centre districts in the approach to and over the Christmas period, starting in early November and ending in early January. Licence applications that involve erecting or dismantling scaffolds/hoardings during the embargo period, other than for the purpose of undertaking works which the Council agree are emergency, will not be granted.