

Procedure, Guidance & Licence Conditions to place hoarding on a public highway

Highways Act 1980, Sections 169, 172 and 173

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1.0 INTRODUCTION

1.1 This document relates to hoarding licences on Luton Borough Council's public highway only. **This document sets out the conditions and requirements to obtain permission to occupy the public highway, along with guidance on the completion of the application form.** A submitted application does not give Permission to erect hoarding on the public highway, you must hold a hoarding licence issued by Luton Borough Council.

1.2 Luton Borough Council is the Highway Authority and the Traffic Authority ("the Council") for most roads (including footpaths and bridleways) within Luton.

1.3 A hoarding licence when issued is in accordance of The Highways Act 1980 and the conditions of the licence, must be adhered to (APPENDIX 1) or your licence will be revoked and the hoarding will need to be removed.

1.4 The hoarding contractor will be responsible for ensuring that the design, construction and maintenance of the hoarding complies with **(CDM Regulations 2015, 13 & 27)**

1.6 The Traffic Management Act 2004 requires the Council to ensure the expeditious movement of traffic on its road network. Therefore, an assessment of all proposals must be carried out to ensure that it is not reasonably practicable for the hoarding to be placed off the public highway.

2.0 APPLICATION FOR A HOARDING LICENCE

2.1 The applicant is the company erecting and maintaining the hoarding.

2.2 On occasions where contact needs to be made regarding the hoarding and the applicant cannot be reached the client/building owner will be contacted.

2.3 A minimum of **10 full working days' notice** is required for your application to be approved; a site survey also has to take place before commencement of work to allow a condition survey of the Highway. The applicant does not have to be present at this survey.

2.4 Applications received with less than 10 working days' notice will incur an additional early start processing fee (shown in item 6.4).

2.5 Failure to submit with the absolute minimum of 2 full working days' notice will result in your application being rejected, excluding emergency licences.

2.6 Emergencies are defined as 'An occurrence involving public safety which demands immediate action'.

2.7 If a licence is required for emergency works notification must be made to the Highway Authority prior to submitting your application form by calling 01582 510333 (08:00-17:00) Emergencies out of hours contact must be made by 9am the following morning.

2.8 Ensure **all** the required information is completed on the application form and supporting documentation submitted. Failure to complete the application form fully will result in it being returned and the process restarting. The processing time commences upon receipt of a properly and fully completed application form.

2.9 The required supporting documents are:

- A. A copy of applicants Public Liability Insurance certificate: the sum insured is for no less than £10m.
- B. A site plan detailing area of highway to be occupied

2.10 Submit your application by sending an email with the completed application form and supporting documents to: streetworks@luton.gov.uk

2.11 A licence will not be issued until payment is received.

2.12 If your licence is not issued your payment will be returned to you.

2.13 When paying by BACS our bank details will be sent to the payee once the application has been processed

2.14 When paying by debit or credit card contact will be made by the Streetworks representative via telephone number given by the applicant on the application form

3.0 IMPLEMENTATION, MAINTENANCE AND REMOVAL OF HOARDING

3.1 Work must be programmed so the hoarding is on the public highway for as short a time as possible to minimise inconvenience to highway users.

3.2 If provision of 1.2m cannot be made for pedestrians a joint site inspection will be required and additional conditions applied.

3.3 If concerns are raised at application stage on the method of implementation due to the location (road type, traffic flows, proximately to schools/hospital etc.) a joint site inspection will be required and additional conditions applied.

3.4 A site plan detailing area of highway to be occupied to be included when submitting the application from

3.5 If your work is going to obstruct a footway or part of a footway, you must provide a safe route for pedestrians that should include access to adjacent buildings, properties and public areas where necessary. This route must consider the needs of those with small children, pushchairs and those with reduced mobility, including visually impaired people and people using wheelchairs or mobility scooters.

3.6 The applicant must provide and maintain a 1.2m walkway for pedestrians; this is a requirement under the Safety at Street Work and Road Works (A Code of Practice). This applies for the entire duration of this licence.

3.7 If provision of 1.2m cannot be made for pedestrians a joint site inspection will be required and additional conditions applied.

4.0 INSURANCE

4.1 A minimum £10million public liability insurance must be held by the applicant and a copy of the policy provided when submitting the application form.

4.2 This amount is set by the Luton Borough Council legal department and no exceptions will be made.

5.0 EXTENSIONS

5.1 Should your licence be required for longer than the initial 28 day period you will require an extension. A hoarding licence extension application form needs to be submitted via email. This is available at www.luton.gov.uk/

5.2 Your extension request must be applied for a minimum 5 working days before your licence end date.

5.4 Extensions are charged for a further 28 days and charged at the rate of a licence. There are no discounts if the extension is required for shorter than the 28 day period. This is a set licence charge (shown in item 6.4).

5.5 A follow up inspection will be carried out to check the hoarding is still erected in a satisfactory condition. If it's found the hoarding is non-compliant this could affect LBC issuing you an extension and your licence to be revoked.

5.6 Luton Council will issue a licence initially valid for up to 28 days. The hoarding will be inspected by a member of the Streetworks team during this 28 day period.

5.7 Extensions will only be considered to hoarding which passes the for-mentioned inspection. Subsequent extensions will require the hoarding licence extension application form being submitted and are subject to a further fee. Failure to comply onsite will result in your licence extension being refused.

6.0 COSTS

6.1 The applicant will be required to pay the relevant costs as determined by the Network Operations team at the Council prior to the licence being issued.

6.2 A bond is required with the licence fee (shown in item 6.4). The bond is returnable upon satisfactory site inspection once the hoarding is removed and site has been cleared. Any damage to the highway will be at a cost to the applicant.

6.3 Payment of the licence fee and bond must be made before the license is issued.

6.4 2021/22 Fees stand as below:

Licence application fees	Fee amount
Initial Licence fee for up to 28 day period with a minimum 10 working days application processing time	£200
Initial Licence fee for up to 28 day period without a minimum 10 working days application processing time	£273
Licence bond	£550*
Extension fee for an additional 28 day period with 5 or more working days before licence expiry date	£200
Administration cost for Cancellation or amendment to issued licence	£50

6.5 Also it should be noted that failure to comply with conditions set by the local highway authority and the HSE may lead to a fine of up to £2,000 being imposed (Section 169 (5) of the Highways Act 1980).

7.0 CANCELLATION

7.1 An application cancelled in writing after submission of the application form but a licence is yet to be issued by Luton Borough Council will incur no costs.

7.2 Licences cancelled or amended after the licence has been issued will incur an administration cost (shown in item 6.4).

APPENDIX 1

Schedule of Minimum Conditions

Your attention is now drawn to the schedule of minimum conditions below that will apply if permission is granted, there may be additional conditions required in special circumstances. These will be discussed and predetermined before the issuing of your licence.

It should be noted that failure to comply with conditions set by the local highway authority and the HSE may lead to a fine of up to £2000 being imposed (Section 169 (5) of the Highways Act 1980).

HOARDING LICENCE - SCHEDULE OF MINIMUM CONDITIONS	
GENERAL	
1.	The licence is issued for permission to occupy the public highway. It is the responsibility of the contractor to design, construct and maintain the hoarding in accordance with current standards (CDM Regulations 2015, 13 & 27)
2.	Section 169 of the Highways Act 1980, states that no person shall in connection with any building or demolition work or the alteration, repair, maintenance or cleaning of any building, erect or retain on or over the highway any hoarding or other structure

HOARDING LICENCE - SCHEDULE OF MINIMUM CONDITIONS	
	unless they are authorised to do so by a licence in writing issued by the highway authority.
3.	A licence to erect or retain a hoarding or other structure on a street will normally only be issued to the Company responsible for actually erecting the hoarding or other structure.
4.	If the licensee objects to any of the following conditions of the licence, the licensee may appeal to a Magistrates' Court within 21 days of the date of receipt of the licence.
5.	The licensee is reminded that it is their responsibility to ensure that the hoarding or other structure, is structurally sound, and is properly erected to current standards and maintained, and that adequate provision is made for the safe passage of highway users.
6.	Prior to the erection of the hoarding or other structure, the licensee must inform their Client of the following conditions which may affect the way they conduct their works
7.	Work may not commence until the date specified and should be carried out within any specific limitations of time and date
CONSTRUCTION	
8.	The hoarding must be designed, erected and dismantled in a safe manner and maintained in a safe condition in accordance with current standards (CDM Regulations 2015). The erection, alteration and dismantling of all hoarding must meet the requirements of the Work at Height Regulations 2005
9.	The hoarding or other 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 removed from the highway on the day it is dismantled, upon expiration of the licence, when the need for the hoarding becomes redundant or if the hoarding is deemed dangerous.
10.	The licensee must do such things in connection with the hoarding, or other structure that any 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.
11.	Wherever practicable, hoarding shall be kept back 450mm from the carriageway edge
12.	If any part of the hoarding is closer than 450mm to the carriageway edge, or the proposed site of the hoarding is considered to be particularly liable to impact damage by passing vehicles, then adequately secured and properly signed & guarded barriers shall be provided along the face of the structure such as "Evo Safety Barrier filled with Water/sand" approved by the local highway authority. Please Note: this Authority will not allow the use of Railway sleepers to protect the structure.
13.	The hoarding must be lit during the hours of darkness at each end with red warning lights and at every 6m. All projections must have red warning lights. A gantry must have white lights under it for pedestrians.
14.	The name, address and telephone number, including "out of hours" emergency contact number, of the contractor for the site, shall be legibly displayed on a board measuring 600 x 450 mm. No other notice, placard, advertisement or anything in the nature of an advertisement, shall be printed, posted, pasted, drawn, painted, shown or displayed in any way, on or from such hoarding or other structure, without the written consent of the local planning authority (if required) and of the local highway authority, and then, only subject to the terms of such written consents.
15.	The issuing of the licence does not exempt any vehicle in connection with the erection or dismantling from any existing traffic regulation order.
PEDESTRIANS	
16.	The applicant must provide and maintain a 1.2m walkway for pedestrians; to aid those pedestrians in particular those who have reduced mobility through or around the hoarding, this is also a requirement under the Safety at Street Work and Road

	HOARDING LICENCE - SCHEDULE OF MINIMUM CONDITIONS
	Works (A code of Practice) This applies during the erection, use, and removal of the hoarding or other structure.
17.	If proper provision of 1.2m cannot be made for pedestrians to pass safely past the hoarding or other structure on the existing footway, then an adequately signed and guarded walkway shall be erected outside the hoarding or other structure, to the satisfaction of the local highway authority. A joint site inspection may be required and additional conditions applied.
18.	Measures shall be taken to distance/segregate/minimise the public from the area of work where the hoarding materials are being deposited, handled and erected.
	TRAFFIC CONTROL
19.	Traffic management issues such as the use of temporary traffic signals and temporary road closures must be discussed with the local highway authority. Additional fees may apply if positive traffic management is required. Extra restrictions may be imposed by the local highway authority on routes designated as traffic sensitive.
20.	The licensee shall comply with Chapter 8, of the Traffic Signs Manual, together with such other conditions as the local highway authority may require. A requirement when carrying out any work on the highway is that the works are adequately signed, guarded and lit as stipulated in the "Safety at Street Works and Road Works Code of Practice" stated in Section 21.
21.	To meet the traffic management standards, personnel involved must be trained and accredited in the "Signing, Lighting and Guarding" module as prescribed in the New Roads and Street Work Act 1991. A Company must have at least: (a) One Accredited Supervisor (who does not have to be on site) and b) A minimum of one Accredited Operative on site at all times when the work is being carried out.
	MAINTENANCE
22.	During the period in which the hoarding is allowed to stand, the whole 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. All hoarding material, and associated fixtures and fittings, and adequate strength and free from patent defect. Hoarding needs to meet the correct regulations by protecting the public to a reasonable measure and keep unauthorised people off the construction site and out of harm's way.
23.	Hoarding structures must be inspected daily before use by a competent person. In addition, as per HSE guidelines, the hoarding should be inspected before it is used for the first time and then every 7 days, until it is removed. It should also be inspected each time it is exposed to conditions likely to cause deterioration (for example – adverse weather conditions or following substantial alteration). The results of the inspections (including any faults found) should be recorded and kept on file for duration of 3 months and made available to this Authority upon request.
24.	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 hoarding shall be immediately taken down, and notice shall be given in writing to the local highway authority.
25.	The licensee is responsible for ensuring that the hoarding is kept free from fly posting and graffiti. Any occurrences must be removed within 48 hours.
26.	A duplicate copy of the licence should be kept on site at all times during which the hoarding is erected, and must be readily available for inspection by authorised officers upon demand.
	TIME EXTENSIONS
27.	When submitting an application, if that application extends beyond the currency of the 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 hoarding on site. You will not be reminded that your certificate is due for renewal.

HOARDING LICENCE - SCHEDULE OF MINIMUM CONDITIONS	
REMOVAL	
28.	<p>Upon removal of the hoarding, the pavement will be inspected and any damages 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. 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 hoarding or other structure. In default, and after giving notice, the Council may themselves remove the Hoarding, or other structure and any reasonable expenses incurred by the Council in doing so shall be recoverable from the licensee.</p> <p>Also it should be noted that failure to comply with conditions set by the local highway authority and the HSE may lead to a fine of up to £2000 being imposed (Section 169 (5) of the Highways Act 1980).</p>
PUBLIC LIABILITY	
29.	<p>Public Liability Insurance giving minimum cover of £10 Million for hoarding 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.</p>
FEES	
30.	<p>The Applicant shall pay to the Street Authority the sum of £182.00 for the Permit.</p>
31.	<p>In the event of the permit being cancelled after the licence has been issued an administration fee of £50:00 will be charged to the applicant to cover administrative costs.</p>