

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

Highways Act 1980, Sections 169, 172 and 173

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Version: 1.0 (published)

Last updated: 09/04/2021

1.0 INTRODUCTION

1.1 This document relates to scaffolding 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 scaffolding on the public highway, you must hold a scaffolding 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 scaffolding 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 scaffolding will need to be removed.

1.4 The scaffolding contractor will be responsible for ensuring that the design, construction and maintenance of the scaffolding has regard to BS EN 12810, BS EN 12811 and TG20:13

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 scaffolding to be placed off the public highway.

2.0 APPLICATION FOR A SCAFFOLD LICENCE

2.1 The applicant is the scaffolding company.

2.2 On occasions where contact needs to be made regarding the scaffolding 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 Application received with less than 10 working days' notice will incur an additional early start processing fee. See Item 5.3 for fees.

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
- C. An up to date copy of the onsite erectors accreditation

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 SCAFFOLDING

3.1 Work must be programmed so the scaffold 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 form

3.5 An up to date copy of the onsite erectors accreditation to be included when submitting the application form.

3.6 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.

3.7 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.

3.8 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 scaffolding company 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 scaffolding 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 scaffold is still erected in a satisfactory condition. If it's found the scaffold 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 scaffolding will be inspected by a member of the Streetworks team during this 28 day period.

5.7 Extensions will only be considered to scaffolding which passes the for-mentioned inspection. Subsequent extensions will require the scaffolding 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 scaffolding 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:

Initial Licence fee for up to 28 day period with a minimum 10 working days application processing time:	£182
Initial Licence fee for up to 28 day period without a minimum 10 working days application processing time:	£273
Licence bond:	£500*
Extension fee for an additional 28 day period with 5 or more working days before licence expiry date	£182
Administration cost for Cancellation or amendment to issued licence	£50

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 £2,000 being imposed (Section 169 (5) of the Highways Act 1980).

Scaffolding licence - schedule of minimum conditions	
General	
1.	The licence is issued for permission to occupy the public highway. It is the responsibility of the scaffolding company to design, construct and maintain the scaffolding in accordance with current standards (BS EN 12810, BS EN 12811 and TG20:13) .
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 scaffolding or other structure 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 scaffold or other structure on a street will normally only be issued to the company responsible for actually erecting the scaffolding 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 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.
6.	Prior to the erection of the scaffold 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 <i>and should be carried out within any specific limitations of time and date</i>
Construction	
8.	The scaffold must be designed, erected and dismantled in a safe manner and maintained in a safe condition in accordance with current standards (BS EN 12810, BS EN 12811 and TG20:13) . On site erectors must be competent to erect the type and form of scaffold and hold one or more of the following qualifications as appropriate: CISRS Scaffolder Card (or for more complex scaffold structures, the advanced scaffolder card) OSAT NVQ (of the appropriate level for the complexity of the scaffold) Certification of competence resulting from training under a recognised manufacturer/supplier scheme eg SA-FE manufacturers/suppliers specific training card PASMA standard (or equivalent) The erection, alteration and dismantling of all scaffolds must meet the requirements of the Work at Height Regulations 2005
9.	The onsite erector must hold up to date CITB/CISRS accreditation for the erection of scaffolding. The person stated must be the person onsite during the erection of the scaffolding.
10.	The scaffolding or other structure, <i>or portion of, to be erected that day</i> , 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 scaffold becomes redundant or if the scaffold is deemed dangerous.
11.	The licensee must do such things in connection with the scaffolding, 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.
12.	The scaffolding must be adequately secured to the adjoining structure or externally braced to prevent displacement. All scaffold standards will be clearly marked with red and white tape and covered with approved sponge material covering any sharp ends or unprotected nuts/bolts within 2.5m from ground level. Scaffold standards shall be fitted with suitable base plates, with appropriate sole plates to protect the highway from any damage.
13.	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 ' must be displayed at each end of the structure.
14.	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 must be close boarded and sheeted to prevent debris, material or objects falling onto any part of the highway. Covered traffic routes or passageways must be provided where necessary. Any spillages must immediately be removed from the highway. The footway shall be kept clear for pedestrians and properly protected both day and night, so as to cause no damage or injury to the public.
15.	Unless otherwise agreed with the local highway authority, all elevations of each scaffold including access lifts (unless access only scaffolds) must be enclosed with either fine mesh netting or sheeting to prevent debris, material or objects falling onto any part of the highway. Fan guarding must also be provided where necessary. Where the pedestrian walkway continues under the scaffolding, the first lift must also be close boarded and sheeted out from the face of the building to prevent any debris falling onto the footway.
16.	Wherever practicable, scaffolding shall be kept back 450mm from the carriageway edge, up to a height of 5.5m, measured from the kerb face.
17.	If 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 liable to impact damage by passing vehicles, then adequately secured and properly signed and 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. If adequate protection is not installed then LBC can deem it necessary to install their own barriers and a recharge can be made to the scaffolding company.
18.	The scaffold 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.
19.	The name, address and telephone number, including 'out of hours' emergency contact number, of the scaffolder for the site, shall be legibly displayed on a board measuring 600 x 450mm. 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 scaffolding 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.

20.	Partially erected/incomplete scaffolds must have a name board affixed and a warning notice board indicating 'scaffold incomplete – not to be used'. If left overnight the incomplete scaffold must be lit.
21.	The issuing of the licence does not exempt any vehicle in connection with the erection or dismantling from any existing traffic regulation order.
Pedestrians	
22.	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 scaffolding, this is also a requirement under the Safety at Street Work and Road Works (A code of Practice) This applies during the erection, use, and removal of the scaffolding or other structure.
23.	If proper provision of 1.2m 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 may be required and additional conditions applied.
24.	Measures shall be taken to distance/segregate/minimise the public from the area of work where the scaffold materials are being deposited, handled and erected.
Traffic control	
25.	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 street.
26.	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' as per condition in section 26.
27.	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. The company placing out the traffic management must have at least: one accredited supervisor (who does not have to be on site) a minimum of one accredited operative on site at all times when the work is being carried out
Maintenance	
28.	During the period in which the scaffolding 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 scaffold material, and associated fixtures and fittings, (including rubbish chutes, chains, ropes and lifting gear, etc) must be of good condition, sound material, and adequate strength and free from patent 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.
29.	Every hoist or pulley wheel must be adequately fenced.
30.	Scaffold structures must be inspected daily before use by a competent person. In addition, as per HSE guidelines, the scaffold should be inspected before it is used for the first time and then every seven 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 three months and made available to this authority upon request.

31.	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 shall be immediately taken down, and notice shall be given in writing to the local highway authority.
32.	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.
33.	A duplicate copy of the licence should be kept on site at all times during which the scaffolding is erected, and must be readily available for inspection by authorised officers upon demand.
Time extensions	
34.	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 scaffold on site. You will not be reminded that your certificate is due for renewal.
Removal	
35.	<p>Upon removal of the scaffold, 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.</p> <p>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.</p> <p>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.</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 £2,000 being imposed (Section 169 (5) of the Highways Act 1980).</p>
Public liability	
36.	Public liability insurance giving minimum cover of £10m for scaffolding 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.
37.	Licences and/or extensions will not be issued without a valid public liability insurance of a minimum £10m being held by the applicant. If the requested licence end date is beyond the public liability insurance expiry date the licence will only be issued until the end of the insurance policy expiry date.
Fees	
38.	The applicant shall pay to the street authority the sum of £182 for the licence.
39	In the event of the permit being cancelled after the licence has been issued an administration fee of £50 will be charged to the applicant to cover administrative costs.