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| **Highways and Transportation**  |
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| **Network Management** |
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| **SECTION 169 HIGHWAYS ACT 1980** |
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| **Guide to Scaffolding on the Highway***(including schedule of Standard/Minimum Conditions)* |
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| **&****Application to Place Scaffolding on the Highway** |
| Updated – January 2024  |

**Highways & Transportation**

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**SECTION 169 HIGHWAYS ACT 1980**

**SCAFFOLDING LICENCE - SCHEDULE OF STANDARD/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) or replacement standards**.
2. Under Section 169 of the Highways Act 1980, 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 a highway any scaffolding or other structure unless they are authorised to do so by a Licence in writing issued by the highway authority, in this case Leeds City Council (LCC).
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 physically erecting the scaffolding or other structure.
4. A Licensee that objects to any of the terms and Conditions of the Licence, may appeal to the Magistrates’ Court.
5. It is the responsibility of the Licensee to ensure that the scaffolding or other structure, is structurally sound, is properly erected to current standards and maintained in safe working order, 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. Works may not commence until the date specified in the Licence and should be carried out as soon as reasonably practical and in any event within any time period stipulated therein *(See Condition 13 below)*.
8. All Works shall be undertaken at all times in accordance with the terms of the Licence.

**CONSTRUCTION**

1. The scaffold (or other structure) 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)** **or replacement standards.**
2. On site operatives must be competentto erect the type and form of scaffoldand hold one or more of the following qualifications as appropriate:-
	* CISRS Scaffolder Card (or for more complex scaffold structures, The Advanced Scaffolder Card); or
	* OSAT NVQ (of the appropriate level for the complexity of the scaffold); and/or
	* Certification of competence resulting from training under a recognised manufacturer/supplier scheme e.g. SA-FE Manufacturers/Suppliers Specific Training Card;
3. Evidence of the holding of such qualification(s) shall be provided to the Council prior to the undertaking of any Works
4. The erection, alteration and dismantling of all scaffolds must meet the requirements of the Work at Height Regulations 2005
5. The scaffolding, hoarding or other structure, or portion thereof, 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 or when the need for it becomes redundant; whichever is the soonest.
6. In City Centres areas and other busy pedestrian areas, the erection of the scaffolding up to the fan level and its dismantling shall be carried out on a Sunday before 10:00 or between 19:00 and 07:00 Monday to Saturday, unless prior written authorisation is obtained from the LCC Traffic Manager. Works can continue above fan level outside the restricted hours as long as all the equipment required to continue erecting/dismantling is loaded on/off the scaffold within the restricted working hours.
7. The Licensee must take such steps in connection with the scaffolding, hoarding or other structure that LCC or any statutory undertaker reasonably requests for the purpose of protecting or giving access to any apparatus belonging to or used or maintained by them.
8. 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 sole plates used to the satisfaction of LCC, where necessary.
9. 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 LCC for a prior site meeting, a purchase order will be required before any works are carried out by LCC or LCC Street Lighting Contractor required in connection to such apparatus due to the scaffolding structure. Enclosing or otherwise obscuring any street lighting, traffic signals, road signs, or similar apparatus must only be done with approval in writing from LCC.
10. All scaffold standards shall either be painted white, or covered with hi-visibility foam padding and/or red and white hazard tape, for the first 2.0 metres above the footway/carriageway. The scaffolding shall not have any sharp ends or unprotected nuts/bolts within 2.0 metres of ground level.
11. On scaffolding structures with a pedestrian walk through the first lift shall be constructed in a manner to ensure a minimum clearance of 2.4 metres above ground level and a width of 1.2 metres, unless a safe route for pedestrians of minimum of 1.5 metres can be maintained around the scaffolding structure and this has been verified by the LCC Traffic Manager.
12. 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, obstruction or danger. Adequate width and height must be maintained for the safe passage of footway users and verified by the LCC Traffic Manager. Warning signs with the legend ‘DANGER - WORKERS ABOVE’ must be displayed at each end of the structure.
13. Suitable and sufficient measures must be taken to prevent any highway user from being struck by falling debris, material or objects. 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 avoid danger or obstruction to the public.
14. Unless otherwise agreed with the LCC, all elevations of each scaffold (with the exception of 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.
15. Wherever practicable, scaffolding shall be maintained a minimum distance of 450mm from the carriageway edge, and to a minimum height of 5.05 metres, measured from the top of the kerb.
16. If any part of the scaffold is to be sited closer than 450mm to the carriageway edge, or if the proposed site of the scaffolding is considered by the LCC Traffic Manager to be particularly liable to impact damage from passing vehicles, adequately secured and properly signed, guarded and lit barriers shall be provided to the approval of LCC along the face of the structure.
17. The scaffold must be lit during the hours of darkness at each end with red warning lights and additionally at every 4m interval. All projections must display working red warning lights. Any gantry/pedestrian walkway under the scaffolding must also be lit at all times during the hours of darkness with white lights for the safety of pedestrians.
18. 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 a minimum of 600 x 450 mm. No other notice, placard, advertisement shall be displayed in any way, on or from such scaffolding or other structure, without the written consent of LCC planning authority (if required) and of LCC Traffic Manager, and then, only subject to the terms of such written consent, together with any planning consent that may be separately required.
19. No door forming part of any hoarding or other structure shall open outwards across any part of the public highway.
20. Partially erected/incomplete scaffolds or other structures must have a name board affixed and a warning notice board stating ‘Scaffold Incomplete – Not to be used’. If left overnight they must be illuminated during the hours of darkness.
21. The issuing of the Licence does not exempt any vehicle in connection with the erection or dismantling from any existing traffic regulation order.
22. The use of demountable truck bodies is permitted provided prior approval is given by LCC (see application form) and that each of the following Conditions is complied with: -
	1. demountable truck bodies must be properly lighted during the hours of darkness and if necessary, adequately signed, lighted & guarded in accordance with Chapter 8 of Traffic Signs Manual,
	2. demountable truck bodies on site overnight must be manned or adequately secured to prevent vandalism through access to materials on the bodies,
	3. demountable truck bodies must be clearly and permanently marked with the owner’s name and telephone number,
	4. demountable truck bodies must be removed from site as soon as practicable and in any event within 24 hours,
	5. the highway must be protected from damage by demountable truck bodies with batons, boarding or similar materials.

**PEDESTRIANS**

1. If proper provision cannot be made for pedestrians to pass safely beneath or around the scaffold or other structure on the existing footway, an adequately signed and guarded walkway shall be erected outside the scaffolding or other structure, to the satisfaction of the LCC Traffic Manager. A joint site inspection may be required, and additional LCC Conditions applied to the Licence.
2. All practical 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 to the satisfaction of the LCC Traffic Manager.

**TRAFFIC CONTROL**

1. Traffic management issues such as the potential use of temporary traffic signals and temporary road closures must be discussed and agreed with LCC Traffic Manager prior to the commencement of Works. Additional costs or fees may apply if LCC Traffic Manager considers that active traffic management are reasonably required. Extra restrictions may be imposed by LCC Traffic Manager on routes designated as traffic sensitive.
2. The Licensee shall comply with Chapter 8 of Traffic Signs Manual (or replacement), together with such other Conditions as LCC Traffic Manager may require. It is a requirement when carrying out any work on the highway that the works are adequately signed, guarded and lit in the manner stipulated in the Safety at Street Works and Road Works Code of Practice.
3. In compliance with 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 Licensee 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 who must remain on site at all times during which the Works are being carried out.

**MAINTENANCE**

1. 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 LCC Traffic Manager. 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 of 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.
2. Every hoist or pulley wheel must be adequately fenced.
3. Scaffold structures must be inspected daily before use by a competent person. 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 to LCC on request.
4. At the date of expiry of the Licence, or the Works covered by the Licence are completed, or the Licence revoked, whichever is the soonest, the scaffolding, hoarding or other structure shall be taken down without unreasonable delay, and notice shall be given in writing to LCC Traffic Manager. Any damage to the Highway notified by LCC Traffic Manager shall be made good by the Licensee at its own expense as soon as reasonably practicable from the date of such notification.
5. The Licensee shall be responsible for ensuring that the scaffolding/hoarding is kept free from fly posting and graffiti. Any occurrences must be removed as soon as reasonably practical and in any event within 48 hours.
6. A duplicate copy of the Licence should be kept on site at all times during which the scaffolding, hoarding or other structures is erected, and must be readily available for inspection by authorised officers upon demand.
7. Periodic inspections of the scaffolding or other structure shall be undertaken by LCC for each month or part thereof that the scaffolding is in place. The Licensee must comply with any reasonable request from LCC arising as a result of the scaffolding inspection and will be liable for the payment of relevant inspection fees, charged at the current standard rate.

**TIME EXTENSIONS**

1. When submitting an application, if that application extends beyond the period of cover of the insurance certificate, the Licence will only be issued for a period coinciding with the end date of the certificate. A new certificate will need to be submitted before an extension to the length of the existing Licence or the granting of a new Licence to maintain the scaffold on site will be considered. The Licensee will not be reminded that its certificate is due for renewal.
2. If an extension to the expiry date specified in the Licence is required, such extension must be requested and approved in writing to LCC prior to the original expiry date.

**REMOVAL**

1. Upon removal of the scaffold or other structure, the highway will be inspected by the LCC Traffic Manager and any damage to the Highway notified by LCC Traffic Manager shall be made good by the Licensee at its own expense as soon as reasonably practicable from the date of such notification.
2. In the event of default by the Licensee damage to the highway may be made good by LCC at the expense of the Licensee in accordance with the provisions of Section 133 of the Highways Act 1980.
3. To enable any damage to the highway to be assessed LCC may undertake a dilapidation survey prior to the erection of the scaffolding at the expense of the Licensee, however the Licensee is strongly advised to undertake their own dilapidation survey prior to erection of the scaffolding.
4. LCC, as 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, or if the Licensee fails to take adequate action to rectify any breach within any period stipulated.
5. On revocation of the Licence and the Licensee shall without unreasonable delay remove the scaffolding, hoarding or other structure. Should the Licensee fail to do so, LCC may, after serving notice, remove the scaffolding, hoarding or other structure and any reasonable expenses incurred by the LCC in doing so shall be recoverable from the Licensee.
6. Any party failing to comply with Conditions set out hereto may also be guilty of an offence and liable to a fine under the provisions of Section 169 (5) of the Highways Act 1980.
7. If considered necessary by the LCC Traffic Manager in view of the specifications, scale and location and duration of the Works, the Licensee may be required to provide a cash deposit prior to the commencement of the Works. This deposit may be used by LCC to cover the costs of any remedial works required to repair damage to the highway and/or removal of the scaffolding or other structure in the event of default by the Licensee as detailed above or to avoid danger in the event of abandonment of the scaffolding or structure. Any unused part would be refunded to the Licensee

**PUBLIC LIABILITY**

1. The Licensee shall indemnify keep LCC indemnified against any loss, claim, costs or expenses in respect or arising out of injury, damage or loss caused by, arising out of or connected with the placing or presence in the Highway of the scaffolding or other structure, and/or the execution by any person of any works authorised by this Licence. Proof of adequate increase cover will be required before the Licence is granted.
2. The liability of the Licensee under the above Condition arises whether or not the injury, damage or loss is attributable to negligence on its part or on the part of any person for whom it is responsible, and notwithstanding (where relevant) that it is or may be acting in pursuance of a statutory duty.
3. For the purposes of the above Conditions, the persons for whom the Licensee is responsible include its own employees or agents, its contractors and any sub-contractors and any agent of or person employed by any such contractors or sub-contractors, provided that, liability of the Licensee does not extend to injury, damage or loss which is solely attributable to the misconduct or negligence on the part of the LCC, its employees or agents.
4. The Licensee shall ensure that an insurance policy remains in force throughout the duration of the Licence with public liability indemnity of a minimum sum of £10,000,000 for any one accident without limiting the number of claims arising out of any one incident. However, it may be noted that the LCC reserves the right to increase these amounts if it is considered that the site location requires a higher degree of cover. The Licensee will be notified if this is the case and proof of increased cover will be required before the Licence is granted.

**LEEDS CITY COUNCIL**

**SECTION 169 HIGHWAYS ACT 1980**

**APPLICATION TO PLACE SCAFFOLDING ON THE HIGHWAY**

**This application is for permission to occupy the public highway. The scaffolding contractor will be responsible for ensuring that the design, construction and maintenance of the scaffolding complies with BS EN 12810/11 and TG20:13**

**Minimum notice of 10 working days is required prior to the issuing of a Licence.**

Work must be programmed so the scaffold and any other structures are situated on the public highway for as short a time as possible to minimise inconvenience to highway users

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| **1)** Name of Scaffolding Contractor(applicant): -Address: -Email address : -Telephone: -Telephone Out of Hours: - | Permission AgreedBy: - |
| **2)** Name of Client :-(If different from 1 above)Address :Email address : -Telephone Number: - | Name of Principal / Main Contractor:-(If appropriate)Address:Email address : -Telephone Number: - |
| **3)** Precise Location of Site:(Including property name/number and Street Name) |
| **4)** State the period for which the permission is required:FROM: -TO: -**PLEASE NOTE THAT TEN WORKING DAYS NOTICE IS REQUIRED, if works are deemed to be an emergency, please provide details in section 8 below.** |

**Please Note:-**

To ensure that the permission is issued with minimum delay please answer the following questions. Care must be taken to ensure that all questions are answered accurately.

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| **5)** The on-site erector must hold up to date accreditation for the erection of scaffolding.A copy of the accreditation is attached with the application form – YES / NO. |
| **6)** Minimum width of existing footway at site: - |
| **7)** Dimensions of proposed scaffolding on the HighwayWidth (Measured from the back of the Highway): -Length: -Height: -Site plan detailing area of highway to be occupied (A separate detailed plan may be submitted with application) : -**A minimum width of 1.5m of UNOBSTRUCTED footway is required for pedestrians. Any lesser width proposed will require a site meeting before any Licence may be issued.****If the scaffolding or any other structure is to be situated closer than 450mm to the edge of carriageway, a site meeting will be required to discuss traffic management issues.** |
| **8)** For what purpose(s) is the scaffolding to be used (e.g. new build, demolition, inspection, painting, etc.) |
| **9)** State type of scaffolding structure (e.g. Tube and Fitting, System, Tower Scaffold): -  |
| **10) Demountable Truck Body to be placed on highway in connection with this scaffolding** (See the applicable Condition if relevant) Please delete as applicable - YES/NO |
| **11) Fees** (Fees subject to change. Current fees available at democracy.leeds.gov.uk)

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| **Licence Fee 2024-2025:** £206.60 (This includes the Licence fee and initial inspection fee. (VAT zero rated)**Inspection Fee 2024-2025:** £86.20 per calendar month or part thereof that scaffolding is in place. (VAT zero rated)Payment Method (please tick as appropriate) |
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| **Telephone Banking**  (Please use the contact number supplied above to make your payment)  |
| **Cheques**  (Payable to Leeds City Council)  |
| **Invoice**  (Please provide Purchase Order Number where applicable)  |

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| **12) Refundable Bond Fee:**

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£50.00 per standard leg (only applicable if scaffolding in place for duration over 8 weeks); please note, if applicable the refundable bond must be paid separately to the Licence and Inspection Fees.Refundable bond (VAT zero rated) (£50.00 x ….. standards) = Payment Method if applicable (please tick as appropriate)**Please note, if payment is made via BACs we will require an additional 2 weeks to allocate you payment and process your application.** |
| **Telephone Banking**Please contact 0113 378 7007 to make payment.  |
| **BACS Transfer**  Will require an additional 2 weeks processing time.  |

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| **Your attention is drawn to the Schedule of Standard/Minimum Conditions attached to this form that will apply if permission is granted.****Additional Conditions may be required in special circumstances, please read your Licence fully.** |
| I/We have received a copy of the Schedule of Minimum Conditions for the erection of scaffolding on the highway and hereby acknowledge that any Licence issued is subject to these Conditions and agree to observe and abide by the said Conditions as well as any other additional Conditions which may be stipulated as part of this Licence including payment of the associated fees.I/We declare that a valid Public Liability Insurance with a limit of no less than £10,000,000 is held by me/us, evidence to be provided with the application. I/We understand that the responsibility for ensuring compliance with the Health and Safety and any other legislation.**Copy Public Liability Insurance Certificate is enclosed: the sum insured is for no less than £10,000,000.**In consideration of Leeds City Council as Highway Authority granting a Licence for the Works sought herein I/we agree to indemnify the Council from and against all actions in law or in equity, damages, statutory or common law losses, costs charges and expenses arising in any manner whatsoever arising out of the erection, maintenance, use and dismantling of the scaffolding/hoarding or any other structure on the Public Highway.Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Position with Company: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **Additional Conditions** |