



**North Tyneside Council**

# **SCHEDULE OF CONDITIONS**

## **For the control of Scaffolding, Hoarding or Other Structure(s) On the Highway**

### **SECTIONS 169 & 172, HIGHWAYS ACT 1980**

#### **Notes:**

1. 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.
2. Section 172 of the Highways Act 1980, requires that any person proposing to erect or take down a building in a street or court, or to alter or repair the outside of a building in a street or court, shall before beginning the work, erect a close boarded hoarding or fence to the satisfaction of the local highway office. This obligation to erect a hoarding or fence may only be dispensed with following agreement by the highway authority in writing.
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. A licence may be issued to an individual only where they can substantiate their competence to erect the scaffolding or other structure in accordance with all applicable requirements.
4. References to a scaffold include: scaffold towers and mobile scaffold towers.
5. 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.
6. The licensee is reminded that it is their responsibility to ensure that the scaffolding or other structure, is structurally sound, is properly erected and maintained, and that adequate provision is made for the safe passage of highway users.
7. 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.
8. Work may not commence until the date specified on the licence



**North Tyneside Council**

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Structure(s) On the Highway**  
**SECTIONS 169 & 172, HIGHWAYS ACT 1980**

### **Conditions:**

1. The scaffolding, hoarding or other structure, shall be securely erected on the day of the delivery, in a proper and professional 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 hauled away from the site on the day it is dismantled, upon expiration of the licence or when the need for the scaffold becomes redundant.
2. Traffic management issues such as the use of temporary traffic signals and temporary road closures must be discussed with the local highway office. The local highway office, on routes designated as traffic sensitive, may impose extra restrictions.
3. The licensee must do such things in connection with the scaffolding, 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.
4. The scaffolding, hoarding or other structure, shall be adequately lit at all times between half an hour before sunset to half an hour after sunrise, or in fog.
5. Road danger lamps must be placed on scaffolding/hoarding and may show either a steady or intermittent amber light. The height of the centre of each lens of a road danger lamp shall not exceed 1500mm where the speed limit of the road is 40mph or less and not less than 1200mm where the speed limit on the road is more than 40mph.
6. Where a road danger lamp which shows an intermittent light is placed within 50 metres of a street lamp lit by electricity on a road subject to a speed limit of 40mph or less the rate of flashing shall be not less than 30 nor more than 150 flashes per minute. On other roads the rate of flashing shall not be less than 900 flashes per minute. They should be placed at regular intervals along the line of the obstructing. Lamps should comply at all times with BS 3143: Part 2: 1990 "Low intensity battery operated lamps" or an equivalent specification of a European Economic Area State, and must comply with Regulations 40. Care should be taken to ensure that the intervals at which bulbs and batteries are changed and the type of replacements used are in accordance with the manufacturers recommendations.
7. Scaffold standards shall be fitted with suitable metal base plates, with timber sole plates used where necessary to the entire satisfaction of the local highway office. All scaffold standards shall either be painted white, or covered with approved white, or red and white material, for the first 2.5 metres above the footway/carriageway. 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 pedestrians and prams.



## **SCHEDULE OF CONDITIONS**

**For the control of Scaffolding, Hoarding or Other Structure(s) On the Highway**  
**SECTIONS 169 & 172, HIGHWAYS ACT 1980**

**North Tyneside Council**

8. 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. The scaffolding must be adequately secured to the adjoining structure or externally braced to prevent displacement.
9. Unless otherwise agreed with the local highway office, and subject to the nature of work to be undertaken, all elevations of each scaffold 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.
10. 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 office.
11. Wherever practicable, scaffolding shall be kept back 450mm from the carriageway edge, up to a height of 5.5 metres, measured from the gutter level.
12. 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, guarded and lit barriers shall be provided along the face of the structure. Generally, 300 x 150 mm timber bulks will be acceptable for this purpose but this must be agreed with the local highway office at the time of application. The practice of fixing planks or boards together, etc., to simulate this effect is forbidden. All timber baulks must be securely joined together to prevent displacement, and have reflective traffic cones fixed to their top surface at 2 metre centres.
13. The licensee shall comply with Chapter 8, of the Traffic Signs Manual, together with such other conditions as the local highway office may require.
14. A requirement when carrying out any work on the highway is that the works are adequately signed, guarded and lit during the hours of darkness as stipulated in "Chapter 8 of the Traffic Signs Manual" and the "Safety at Street Works and Road Works Code of Practice".
15. To meet these 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 to the following levels. 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.



**North Tyneside Council**

## **SCHEDULE OF CONDITIONS**

**For the control of Scaffolding, Hoarding or Other Structure(s) On the Highway  
SECTIONS 169 & 172, HIGHWAYS ACT 1980**

16. During the period in which the scaffolding, hoarding or other structure is allowed to stand, the whole shall be kept and maintained in good order and condition, and so as not to be injurious to the amenities of the neighbourhood. 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 defect. No rubbish chutes, lifting gear or other devices are to be fitted to or used from the scaffolding, hoarding or other structure unless agreed at the time of application or subsequently in writing by the local highway office. When chutes 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.
17. Every hoist or pulley wheel must be adequately fenced; no load shall be raised or lowered over the highway unless there is adequate protection for the public.
18. Scaffold structures must be inspected daily before use. 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. A competent person must carry out inspections and the results of the inspections (including any faults found) must be recorded.
19. The erection, alteration and dismantling of all scaffolds must meet the requirements of the Work at Height Regulations 2005
20. The street around the scaffolding, hoarding or other structure, must be kept clear of all materials, equipment and debris. 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.
21. The name, address and telephone number, including "out of hours" emergency contact number, of the contractor responsible for the site, shall be legibly displayed on a board measuring 600 x 450 mm. The name, address and telephone number of the owner (if different from the Contractor) of the scaffolding, hoarding or other structure must also be legibly displayed on a separate board, of the same size. 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 North Tyneside Council, and then, only subject to the terms of such written consents.
22. No door forming part of any hoarding shall be hung, so as to open outwards across any part of the public footpath or highway.
23. Partially erected/incomplete scaffolds must have your name board affixed and a warning notice board indicating 'Scaffold Incomplete – Not to be used'. If left overnight the incomplete scaffold must be lamped.



**North Tyneside Council**

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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 shall first happen, the scaffolding, hoarding or other structure shall be immediately taken down, and notice thereof shall be given in writing to the local highway office, by the person to whom the consent is granted, in order that the pavement may be forthwith reinstated, and any other damages to the street made good by North Tyneside Council at the expense of the licensee in accordance with the provisions of Section 133 of the Highways Act 1980.
25. 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 skip/scaffold on site. You will not be reminded that your certificate is due for renewal.
26. The licensee must be covered by Public Liability Insurance, which should be available for inspection; minimum cover to be £5 million. Such insurance must indemnify the highway authority from and against all actions, claims, losses and expenses whatsoever in respect of loss of life or personal injury or damage to property, how so ever caused, arising out of or in any way attributable to the presence of the scaffolding, hoarding or other structure.
27. North Tyneside Council shall have the right to revoke the licence at any time by written notice addressed to the licensee, and posted "recorded delivery" to the address stated in the licence, if any of the conditions subject to which the licence is granted are not complied with and thereupon, the licensee shall forthwith remove the scaffolding, hoarding or other structure. In default, and after giving 5 days notice, the Council may themselves remove the scaffolding, hoarding or other structure and any reasonable expenses incurred by North Tyneside Council in doing so shall be recoverable from the licensee.
28. The duplicate copy of the licence should be clearly displayed 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.
29. The Health and Safety Executive have instructed that the outer faces of any scaffold erected in an area frequented by pedestrians must be fully sheeted to contain any debris. Where the pedestrian walkway continues under the scaffolding, the first lift must also be close boarded and sheeted from the outer face of the building to prevent any debris falling onto the footway. The only relaxation will be when then activity conducted from the scaffolding will not generate any debris, e.g. inspections. Similar requirements must be used if there is any danger of debris falling onto passing vehicles.
30. The licensee is responsible for ensuring that the scaffolding/hoarding is kept free from fly posting and graffiti. Any occurrences must be removed within 48 hours. Failure to do so will result in the licence being revoked, North Tyneside Council removing the fly posting or graffiti and recharging the cost to the licensee.



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**North Tyneside Council**

31. If an unlicensed scaffold is found to be on the public highway a letter will be sent to the company stating that it has 72 hours from the date of the letter to remove the scaffold from the public highway. If the company does not comply, the Council will arrange to remove the scaffold and recover the costs from the company. If the Council decides the scaffold is in a dangerous position it will be removed immediately and costs recovered.

**Declaration**

I confirm that I have read and understood the Schedule of Conditions dated 1<sup>st</sup> April 2008. I agree that will adhere to those conditions and am aware that further specific conditions may be imposed at the time of granting individual licences.

Signed.....Date.....

Name (printed).....

Position.....

Representing (Company).....

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