

NOTTINGHAMSHIRE COUNTY COUNCIL STANDARD CONDITIONS

CONTROL OF SCAFFOLDING ON HIGHWAYS - HIGHWAYS ACT 1980 SECTIONS 169, 172, 173 & 174

APPLICATION FOR A LICENCE TO ERECT AND MAINTAIN SCAFFOLD/HOARDING ON THE HIGHWAY

In order to erect and maintain scaffold/hoarding or other structure on or over the highway you are required to obtain a Licence for each location from the Highway Authority. This will only be issued subject to your undertaking to observe and abide by the conditions listed below as well as any other conditions the Highway Authority may deem necessary. Such additional conditions will be contained within the Licence itself. You should be aware that should you fail to observe and abide by these conditions then you will be liable to prosecution under the above named Act.

You should now read and familiarise yourself with the conditions listed below. Only when you have fully satisfied yourself that you understand these and undertake to observe and abide by them should you complete and sign the application. These conditions will then form part of the licence for its duration unless legislation or policy changes require their revision. If this should happen you will be required to give an undertaking to observe and abide by the revised conditions.

For the purpose of the Licence and these conditions the person making the application will be referred to as the 'licensee', the scaffold/hoarding or other structure referred to as the 'structure', the location and purpose of the structure referred to as the 'works', and the 'highway' deemed to include the footway, carriageway and areas to which the public have right of access.

CONDITIONS

1. Before a Licence is issued a site meeting may be required with the licensee and a representative of the Highway Authority to discuss the proposals. If this is the case the licensee will be contacted with a view of arranging a meeting accordingly.
2. The structure and its component parts shall be in accordance with BS5973, properly erected and maintained by the Licensee in a manner which causes minimum obstruction to users of the highway.
3. To avoid obstruction of access to Utilities apparatus, either for routine works or emergency repairs, it is essential that the Utilities are consulted regarding the positioning of the overlying structure. Their agreement to the proposals and to the procedures to be adopted in the event of the Utility requiring access to their apparatus in an emergency situation must be obtained before a Licence will be issued. Under no circumstances will base plates be allowed on the covers of access chambers and immediate action must be taken to relocate such members as soon as they are brought to the licensee's attention, **whatever the state of the erection at the time**. The Highway Authority can provide a list of the Utilities operating in the area, however, this is to the best of their knowledge at that time and it is the licensee's responsibility to ensure that **all** the Utilities are consulted and agree to the proposals prior to the making of the application.

4. The licensee shall keep the structure in a safe condition.
5. The licensee shall afford the Highway Authority such facilities as may reasonably be required for inspecting the structure.
6. The structure shall be used only for the purpose(s) specified on the Licence.
7. The licensee shall not do, permit or suffer to be done, upon or from the structure, anything which in the considered opinion of the Highway Authority would, or would likely to, cause injury or damage or become a danger or nuisance to users of the highway or occupier of adjoining premises.
8. The licensee shall keep that part of the highway on or over which the structure is erected, free from damage and kept clean and tidy. Any damage caused to the highway or street furniture will be, on completion of the works, repaired to a satisfactory standard by the licensee otherwise remedial work will be undertaken by the Highway Authority and the full cost of any such work including administrative charges will be charged to the Licensee.
9. The licensee shall indemnify, and keep indemnified, the County Council or Local Partner as the Highway Authority against any liability, loss, claim or proceeding whatsoever arising under Statute or Common Law in respect of, or in consequence of, the erection, retention, collapse or removal of the structure, or the carrying out of works, and against all claims, demands, proceedings, damages, costs, charges and expenses whatsoever in respect thereof or in relation thereto. The sum covered by the policy to be £5million for any one event with a reputable insurer and in terms approved by the Highway Authority, approval shall not be unreasonably withheld. Whenever required the Licensee shall produce to the Authority the policy, or policies of insurance and the receipts for payment of the current premises.
10. In the event of the structure collapsing so as to cause a nuisance or obstruction on or over the highway, the licensee shall pay to the Highway Authority such costs as may reasonably have been incurred by them in carrying out work required to remove any such nuisance or obstruction or otherwise make the highway safe for passage.
11. Following the introduction of the Local Authorities (Transport Charges) Regulations 1998 it is now practice for Highway Authorities to charge for consideration of applications for licences to erect and maintain scaffold/hoarding or other structures on or over the highway. Nottinghamshire County Council has therefore introduced the charges as shown on the attached calculation sheet. Please note that this charge must be paid before the licence becomes effective for works to commence on site. A copy of the charge calculation will be provided by the Highway Authority with the Licence.
12. The Licence is personal to the licensee and is not transferable.
13. The Licence may be terminated by either party to this Licence giving not less than 48 hours notice in writing to the other party.

14. The Licence may be revoked at any time by the Highway Authority in the event of:
 - i. failure to remedy any defects brought to the attention of the licensee;
 - ii. non-compliance with any of the conditions stated on the Licence.
15. Revocation of the Licence will be reported to the Police and the Health and Safety Executive as appropriate.
16. Upon completion of the works, or in the event of revocation of this Licence, the licensee shall forthwith remove the structure from the highway and leave the highway clean and tidy and free from damage.
17. The licensee has a right of appeal to a Magistrates Court against any conditions imposed under Sections 169 and 172 of the Highways Act.