

## **SECTION 1 – OVERVIEW**

### **Overview**

In order to place/erect any scaffolding on or over the public highway you will need to apply for a Scaffold Licence under the provisions of section 169 Highways Act 1980.

You will also need a scaffold licence on a private street not maintainable at public expense but for which the public have the right to pass and repass.

You do not however require a licence to erect scaffolding on a private road or on private property.

East Sussex Highways as the Highway Authority acting on behalf of East Sussex County Council reserve the right to refuse requests to place scaffolding on the highway – even if payment has been received although an appeal can be made to a Magistrate's Court.

### **The Legal Position – Section 169 Highways Act 1980**

- This legislation provides penalties by way of fines through the Court in the event of non-compliance with licence conditions
- The applicant can appeal to the Magistrate's Court in the event of refusal to grant a licence or about the imposition of a special condition.
- The Highways Act 1980 provides the Highway Authority powers to arrange removal of unauthorised structures from the highway and to recover all reasonable costs incurred.

### **Applying for a licence**

- An application for a scaffolding licence must be made at least **10 working days** in advance of the start date required. Any late notification may result in the refusal to licence for the requested period.
- The exact site address must be specified on the form by the scaffolding company applying for the licence.
- The start date and end date must be specified on the application form.
- Payment of the licence fee must be paid in full before the licence/renewal is issued (see 'Payment of Fees' below).
- The scaffold company must specify the reason why the scaffolding is required e.g. roof replacement, building work, decorations etc.
- Traffic Management plans must be submitted where applicable including any site plans.
- A site meeting may be required where it is considered that there may be an impact in placing the scaffolding on the highway and for this reason we recommend as much advance warning as possible.

It is suggested that you take photos of the site prior to your operation for your records.

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### Application to Place Scaffolding on the Highway



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It is strongly recommended and very important that you carefully read in full the terms and conditions applicable to the licence which are contained within this application form.

It is also recommended that you read the guidance notes contained within this application form before applying.

### **Documents and information required to be made available:**

Please make sure the following are made available:

- A copy of at least £10m Public Liability Insurance
- A signed copy of Indemnity – ESH required a signed copy of the Indemnity at Section 3 of this application before any scaffold application can commence.
- All relevant site plans or diagrams
- Details of any road closures that will be required. Please note that Temporary Traffic Orders (TTPO) require 12 weeks to process. *There will be additional fees involved with this, for which you should allow approximately £1,000 to £1,500 (NB: the price varies due to the cost of advertising).*
- Details of any parking suspension that may be required. *Depending on the location, you will need to either apply to the Parking Shop at East Sussex County Council, or to Network Management at East Sussex Highways. Please note that a Temporary Traffic Order (TTPO) may be required with the fees as detailed above.*

### **Licence Duration**

The licence duration period is 28 days only. Any licence extension must be applied for at least **five working days** before the expiry of the licence. Any request to amend the date following expiry of the licence will be declined and a new application and payment must be made including the addition of a pro-rata rate from the expiry date to the date of the new application.

### **Fees**

The following fees will apply:

- Initial licence fee and/or subsequent extensions are – please see the current ESH fee structure on [East Sussex Website Application Section](#).
- Site inspection following any reported infringements of the licence - please see the current ESH fee structure on [East Sussex Website Application Section](#).
- Site inspection to assess safety and condition of highway prior to placing and/or removal of scaffolding - please see the current ESH fee structure on [East Sussex Website Application Section](#).
- .

### **Payment of fees**

All licence fees are payable at the point of application and prior to the issue of the licence.

Payment can be made:

- By card payment over the phone
- By cheque made payable to East Sussex Highways

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**Completed applications must be submitted either by:**

- Email – [licences@eastsussexhighways.com](mailto:licences@eastsussexhighways.com)
- Post – East Sussex Highways, Network Assurance, Ringmer Depot, The Broyle, Ringmer, East Sussex, BN8 5NP
- Please ensure that you return from Section 2 onward of the document as your submission.

**“What happens next after the application has been sent?”**

- Once the application has been received, ESH will assess the application, conditions of the public highway and co-ordination requirements on the licensing and streetworks database to ensure appropriate road and foot space is available.
- Your licence application will be assessed and either a licence issued or declined. If an application is declined the reasons will be explained as to why it was not issued at that time.

**“If my application is accepted. how do I receive my licence?”**

- The licence will be sent by post already laminated for the purpose of being displayed outside and fixed to the scaffolding structure. This licence is to be displayed in a position which can be clearly seen for the purpose of informing ESH Officers and members of the public the nature of the works, licence conditions and contact details in case of emergency.
- In addition, an electronic version of the licence can be sent to you by email.
- It should be noted that no activity shall be performed on site until a valid licence has been authorised and displayed on site.

**Unlicensed scaffold on highway**

Any unlicensed activities or activities waiting for consent will be treated as illegal works and will be dealt with through the enforcement process.

**If there are any further queries, please contact East Sussex Highways, Network Assurance on 0345 60 80 193**

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## SECTION 2 – APPLICATION

**NB: when returning your application, please return from Section 2 onwards as your submission**

Applicant Details \* (Including contact details)

Full Name and Address of Scaffolding Company \*

Emergency contact Number \* (This is required to be shown on the laminated licence form when application is approved):

Email address:

Is this request for new or renewal a current licence?	New	Renewal	Previous ESH Agreement reference

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**Application is hereby made for a licence to erect scaffolding on the**

**NB: \* denotes a required field**

Outside premises known as \*

In the street known as \*

In the town of \*

Geo-location *please see FAQ on East Sussex Website you do are unsure how to find this information.* \*

The licence is required from \*

to

[maximum 28 days]

They will be used for \*

e.g. roof, structural decorations etc

**Is Road Closure Required (12 week  
notice to process)**

**YES**

**NO**

(12 week notice to process)

**What is the remaining width of footway left for pedestrians (Minimum width clearance no less than 1.5m)**

**Will any of the following be affected by placement of scaffold:**

<b>Street Lighting</b>	<b>YES</b>	<b>NO</b>
<b>Parking Restrictions</b>	<b>YES</b>	<b>NO</b>
<b>Traffic Signals</b>	<b>YES</b>	<b>NO</b>
<b>Pedestrian Crossings</b>	<b>YES</b>	<b>NO</b>
<b>Access to Adjoining Properties</b>	<b>YES</b>	<b>NO</b>

**Will Traffic Management be required for the following:**

<b>Safe pedestrian passage</b>	<b>YES</b>	<b>NO</b>
<b>Safe vehicular passage</b>	<b>YES</b>	<b>NO</b>
<b>Safety during installation</b>	<b>YES</b>	<b>NO</b>
<b>Safety during dismantling</b>	<b>YES</b>	<b>NO</b>

**If scaffolding is not contained within the footpath, please provide a location plan with details of signage to be used**

**I understand that this is an application only and that its submission by me does not confer permission to erect the scaffolding**

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I have read, understood, will be bound by all the terms and conditions of the licence including:

- the indemnity contained in Section 3; and
- the terms and conditions and guidance notes in Sections 4-6

which I understand will form part of the licence issued to me by ESH under s169 Highways Act 1980 and s67 (3) Road Traffic Regulation Act 1984 pursuant to this application.

I understand that this application/licence is not valid until payment has been made in full and I have received an ESH Licence Agreement No with a laminated Licence to be placed on the structure.

I understand that ESH will only use the information provided in conjunction with the processing, management and compliance of the licence issued pursuant to this application. The information may be shared with the relevant County.

Print Name:

Signed:

Position:

Date:

\*(Tick box please to confirm your understanding and agreement to the application)

### **SECTION 3 – THE INDEMNITY**

The applicant/Licencee (as detailed and signed below) hereby agrees to indemnify and hold harmless East Sussex Highways acting on behalf of East Sussex County Council (ESH) their officers and agents (who shall have no duty to mitigate) against all losses, expenses, costs, charges, expenses, liabilities, fees and fines, damages, injury, claims, actions, proceedings, demands and judgments whatsoever arising in any manner howsoever caused in respect of, but in no way limited to, the following:

- the placing or presence on the highway of the scaffolding structure and works associated with the Licence including but not limited to the transportation, erection, dismantling and / or use of the equipment whether by means of a defect (latent or otherwise) in the equipment or by an act or omission of the applicant/Licencee, its officers, its servants or its agents;

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- the execution by any person of any works associated with the Licence; and
- any personal injury or death of any person or persons,

save to the extent that the same is directly caused by or directly arises from the negligence, breach of Licence or law by ESH.

For the purposes of this indemnity "the equipment" means any scaffolding, equipment, machinery or load which is or was, at the time of any scaffolding operation on the highway in ESH's administrative area, the responsibility of the applicant/Licencee or being used by the applicant/Licencee, its officers or its agents, for any such scaffolding operation.

The above indemnity shall be in force from the date of the signature below and will apply for the duration of the placing and presence of and/or use of the scaffold structure, works and/or the equipment on the highway. The indemnity will end one (1) month after the removal of ALL of the equipment from the highway.

The applicant/Licencee undertakes to give ESH advance notice of any proposed scaffolding operation on any highway in ESH's administrative area.

The applicant/Licencee undertakes to maintain public liability insurance of at least ten million POUNDS (£10,000,000) for any one claim or series of claims arising from the same event with a reputable insurance company and to produce a copy of the policy and evidence of payment of premium as and when requested from time to time by ESH.

I also confirm that I have the authority to issue the above indemnity of behalf of the applicant/Licencee.

Name:

Signed:

Position:

Company:

Date:

## **SECTION 4 – SCAFFOLD LICENCE TERMS AND CONDITIONS**

1. The highway will always be kept in a neat and tidy condition and free from any form of obstruction.
2. Each scaffold shall, while on or within the highway comply with the Traffic Safety Code (Part 1 – Lighting and Guarding Obstructions) and shall be marked, guarded and lit in accordance with the following requirements:
  - a) Each scaffold sited in the carriageway shall be guarded in accordance with Chapter 8 of the Department for Transport's Traffic Signs Manual.
  - b) Company name, office hour's telephone number and emergency out of hours contact telephone number to be clearly displayed always.
  - c) At night (between 30 minutes before sunset and 30 minutes after sunrise) and if sited in or within 450mm of a carriageway, each vertical standard shall be lit and that each lamp remains lit throughout the night.
  - d) If sited within 450mm of the carriageway, there shall be placed white painted sleepers with cones attached to them to be sited next to the structure.
  - e) Vertical standards are to be painted white for a minimum of 2.5 metres from pavement level.
3. Except for cases covered in clause 4 below the scaffolding shall be erected entirely off the carriageway and shall provide a clear passageway for pedestrians of at least 1.5m whilst providing a clearance of at least 450mm between the scaffolding and the carriageway edge. Where footways are greater than 2.5m in width the Traffic Manager (TM), at his discretion, may require a wider clear passageway through the scaffolding as a condition of issuing a licence and his advice and written approval must be sought. Where the highway users are intended to pass under the scaffolding the minimum headroom to be provided shall be as specified as for 'fans' in clause 9 below.
4. Where it is not possible to comply with the foregoing owing to a narrow footway width, the TM's permission in writing must be sought either to: 1) allow reduced widths or 2) to encroach into the carriageway. In both 1) and 2) the TM will need to be satisfied that the site is suitable and in the case of 2), that adequate provisions are made for the continuing safe passage of pedestrians, including any necessary walkways, ramps, decking, lighting and restrains against any intrusion by vehicles.
5. In areas not intended to be accessible to pedestrians on the highway, safety fencing or boarding shall be erected to preclude access or other measures may be used if agreed in writing by the TM.
6. As soon as erected, all scaffolding below 2.1m shall be adequately colour contrasted by using adhesive tape, plastic sleeves or by painting in white or bright yellow. Temporary close-boarded structures delineating a footway shall be similarly painted below 2.1m.
7. All necessary and all reasonable measures shall be used to prevent damage to the highway caused by the scaffolding or incidental to the placement of the scaffolding on the highway.
8. Tapping boards and waist rails shall be provided adjacent to and parallel with pedestrian flow.



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9. No projections are permitted over the highway outside the standards except in connections with fans, in which case the minimum headroom shall be 5.1m where this is above a carriageway or within 450mm of the edge of a carriageway and 2.15m elsewhere.
10. All necessary and all reasonable measures shall be taken to ensure the safety of the public.
11. Where a chute is included in the application, the scaffolding immediately above pedestrian level shall be solidly decked with vertical boarding below this level to screen pedestrians from the chute. Tarpaulin or similar fabric shall be provided at the chute's point of discharge to prevent debris from bouncing, and/or sheeting if this is necessary to mitigate dust nuisance. Hoists or chutes are not covered by this licence unless they were included on the application form, in which case they must be installed in a position agreed in writing by the TM.
12. Scaffolding shall be lit using amber electrically powered lights during the hours of darkness (30 minutes before sunset and 30 minutes after sunrise).
13. No scaffolding shall be erected where this would obscure traffic lights, traffic signs or street lights without the *Traffic Manager's (TM)* specific approval in writing. If the TM's approval in writing is obtained, temporary lights, signals and signs may be required, *which will be at the scaffolding contractor's cost*.
14. No scaffolding shall be attached to street furniture.
15. No scaffolding shall be erected where it could affect the use of pedestrian crossings or bus stops unless special provisions can be made which meet the TM's specific written approval.
16. No scaffolding shall be permitted upon the highway during annual bonfire celebrations.
17. At all times, including during erection and dismantling of the scaffolding, the requirements of Chapter 8 of the current Traffic Signs Manual, including amendments shall be met (except in relation to the marking of scaffolding for the visually impaired which shall be carried out in accordance with pa 6 above), and signs, barriers etc. erected shall be kept clean.
18. No elements of scaffolding shall be placed on the highway prior to commencement of the license period, which is stated in Section 7, and all elements of the scaffolding shall be removed and the highway left unobstructed and clean at the expiry of the license period, which is stated in Section 7, (or when the scaffolding is no longer required, whichever is the sooner). In this context, unassembled elements of scaffolding shall not be left anywhere on the highway without being signed in accordance with Chapter 8 and in any event, shall not be so present for more than 24 hours either before erection or after dismantling.
19. A 24-hour telephone number or the emergency or 24-hour number of the person responsible for maintaining the scaffolding, shall be clearly displayed on the scaffolding.
20. ESH reserves the right to inspect the site before, during and after the operation has been completed. If ESH considers that the scaffold has damaged or altered the highway in any way, such damage must be made good to the satisfaction of the TM. In the event of failure to comply, East Sussex Highways must be reimbursed all costs incurred in carrying out repairs. If no inspection has been carried out to confirm the existing state of the highway prior to the operation, pay any reasonable charges specified by ESH if it considers the highway has been damaged.
21. Should this licence be cancelled, the licence fee will still apply and is non-refundable.

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22. The Licence fee of £108.16 is for a period of 28 days and must be paid at the point of application and prior to the issue of the licence.
23. Any extension of the licence must be applied for at least five working days before the expiry of the licence. Any request to amend the date and or backdate following expiry of the licence will be declined and a new licence application and payment must be made including the addition of a pro-rata amount from the expiry date of the initial licence to the date of the new application.
24. There will be an additional fee/charge of £53.00 applicable for every site visit that East Sussex Highways has to make following any reported infringements of any of the terms and conditions of the licence and for avoidance of doubt this includes the terms and conditions in Sections 4 -7 of this application which form part of the licence.
25. Full details of the scaffolding, including plans and traffic/pedestrian management plans must be provided at the application stage. These plans must adhere to the regulations set out in Chapter 8 of the Traffic Signs Manual 1991 and the Safety at Street and Road Works Code of Practice. ESH Network Assurance will examine proposals and may amend them if there are areas of concern. If any amendments are found to be necessary, a revised plan must be re-submitted.
26. Should a site visit and/or further advice regarding safety, site set up including traffic management, be required or requested then a further fee/charge of £53.00 will be applicable in addition to the licence fee detailed in paragraph 22. Similarly, if a site inspection is required to assess safety and the condition of the highway prior to placing and/or removal of scaffolding a £53.00 inspection fee *will* be charged.

## **SECTION 5 – SCAFFOLD LICENCE SITE REQUIREMENT TERMS AND CONDITIONS**

1. A laminated copy of 'LICENCE TO PERMIT SCAFFOLDING ON HIGHWAY' to be securely fixed always to the scaffold in a prominent position so that it can be clearly visible to anyone wanting to inspect the details.
2. 'Men working overhead' signs to be clearly displayed.
3. Any damage to the highway to be made good in every instance.
4. Signage and guarding to comply with current legislation.
5. If within 450mm of the carriageway, vertical standards to be lit between half an hour before sunset and half an hour before sunrise.
6. If within 450mm of the carriageway, white sleepers with attached cones to be placed beside scaffolding in the carriageway.
7. If the scaffolding is 'walk around' there should be a minimum distance of 1 metre between the structure and carriageway for pedestrian access.
8. If scaffold is 'walk under' no bar, rail or other obstruction shall be erected over the footway at a height less than 2.5 metres (8 feet) in such a manner as to cause injury to pedestrians or damage to vehicles. All scaffold couplers below 2.5 metres in height shall be fixed in a position least likely to create an injury to pedestrians. Additional protection may be necessary to cover the couplers or connectors with suitable padding or coverings. There must be a minimum width of 1 metre to allow for pedestrian access.

## **SECTION 6 – SCAFFOLD LICENCE GUIDANCE NOTES**

These guidance notes are prepared for your assistance when applying for a licence to place scaffolding in/on the public highway.

### Health & Safety

In addition, ESH will require a clear and exact site plan including the position and location of all safety barriers and information sign. If you need to carry out works at several points within close proximity, we may licence these under one application, although this will be at the discretion of ESH.

ESH may inspect the site at any time during the operation. If the operation does not adhere to the agreed and accepted conditions and traffic management requirements, our Officer(s) may instruct the Scaffold Company and or Scaffold supervisor to shut down the operation until the problem is resolved.

In cases where the agreed scaffold set up or traffic management plan differs grossly from that which was agreed and/or poses a potential danger to persons or property, an officer of ESH will instruct the operation supervisor to immediately and safely close down the operation and leave the site. Discussions will then be held between the Scaffold company and ESH at a later date to re-schedule the operation.

Only qualified and competent Scaffold staff members are to be used on site during the erection and dismantling of any licensed scaffold.

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It is the Scaffold company's responsibility to ensure that all relevant checks have been carried out regarding statutory undertaker underground apparatus.

#### Scaffold Guidance

The erection and dismantling of scaffolds remains a high-risk activity, not only for those carrying out the works, but to other workers and the general public. The following information sets out steps which need to be considered by anyone involved in such work. It is aimed not only at those working directly in the scaffolding industry but also to clients, planning supervisors and principal contractors.

#### The Law and planning for safety

- Health and Safety at Work Act 1974
- Construction (Health, Safety and Welfare) Regulations 1996
- Management of Health and Safety at Works regulations 1999
- Control of Substances Hazardous to Health 2002
- Construction (Design and Management) Regulations 2007

This guidance is not designed to explain the details in the above legislation, however, it is important to remember that a wide range of people from clients through to the self-employed have legal responsibilities. In simple terms the law requires that scaffolding operations are properly planned and then, carrying forward the results of the planning, to ensure the work is carried out safely on site.

#### Protection of the Public

When scaffolding operations are in progress, the public must be excluded from both the area of work and as sufficient space around it. Steps to ensure this will include:

- Obtaining a temporary pavement or street closure whilst the operations are carried out
- Undertaking operations in 'quiet hours' i.e. early morning, at night or at weekends
- Incorporating fans, crash decks and tunnels as early as possible into a scaffold
- Erecting barriers and signs diverting the public away from operations
- Storing scaffold clips and other loose materials are safely stored on the scaffold
- Not raising or lowering materials over members of the public or other site workers
- Provision of proper access along pavements during hoarding operations to meet the needs of people with any form of disability

#### Working at height

Scaffolders must follow safe working practice to prevent people or objects falling. This is so as follows:

- When lifting or lowering materials, scaffolders must be clipped on or working within a handling platform that is fully boarded, with double guardrails and toe boards.
- A minimum of 3 board working platform together with a single guardrail is provided as erecting and dismantling works progress
- Safety harnesses to be worn at all times by scaffolders and fitted with a 1.75m length of lanyard and a 55mm opening scaffold hook or similar for one handed operation
- Harnesses should be clipped onto a secure anchorage point where falls of 4 metres or more are possible

A secure anchorage point requires the following minimum conditions:

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- The scaffold must be tied into a sound structure as work progresses
- Attachment can be made to a ledger, transom or guardrail supported with load bearing couplers or a transom supported by ledgers in a lift above fixed at both ends by single couplers
- At least one bay of a scaffold should remain boarded out as work progresses and this should be used for ladder access for the full height of the scaffold
- Safe ladder access for scaffolders should be incorporated as early as possible into the erection process
- Scaffolders should not be clambering up and down scaffolds without proper ladder access and safe working platforms provided on each lift being worked on

Stability of Scaffolds

There are reports each year of scaffold collapses across the country so to make sure your scaffold does not collapse you should ensure that:

- The anchors specified to tie to a scaffold are suitable for the base material and that they are installed correctly
- Scaffold anchors or ties are installed as the erection work progresses However, they should not be removed too early during dismantling operations
- More ties will be needed on a sheeted or netted scaffold to ensure its stability
- Scaffolds are not overloaded with equipment, especially tub and fittings, during erection or dismantling operations.

Training, Supervision and Monitoring

Effective training of scaffolders is possibly the most essential factor in preventing accidents on site. In addition, do not forget the importance of monitoring. Scaffolding companies should ensure that all reasonable steps are taken to educate their staff and that all works carried out on their site is undertaken safely.

Parking Bay suspensions / Road closures

All parking bay suspensions and road closures need to be advertised in advance and it is recommended that the applicant contacts the relevant departments as soon as possible (Note 12 weeks advance notice is required by ESH for a road closure). It is the responsibility of the applicant to ensure this is in place prior to the licence being required.

If operation requires the suspension of parking bays in Lewes, Eastbourne, Hastings & St Leonards, the applicant must submit an application to East Sussex County Council Parking shops for the respective Towns at least a week in advance of the proposed start date.

<https://www.eastsussex.gov.uk/roadsandtransport/parking/shops>

**THIS APPLICATION/LICENCE IS NOT VALID UNTIL YOU  
HAVE PAID IN FULL, AND HAVE RECEIVED AN EAST  
SUSSEX HIGHWAYS AGREEMENT REFERENCE AND  
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## **SECTION 7 – NETWORK ASSURANCE**

**For official use only**

Special Conditions including any TTROs	YES / NO
Site Inspection Required	YES / NO
Insurance/Indemnity checked	YES / NO
Licence Paid in Full	YES / NO
ESH Agreement Ref.	ESH.....
Licence Period Agreed	YES / NO
Processed by:	
	Date: