Scaffolding in RBKC A brief guide

March 2022

THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

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1. Introduction

The Royal Borough of Kensington and Chelsea welcomes all professional tradesmen. We want to work with them to help ensure they are aware of the rules and best practice measures that must always be followed while working on the highway.

We understand the difficulties scaffolders face when working in a borough as densely populated as RBKC. However, it is essential that pedestrians are neither put at risk nor obstructed from using the public highway, particularly during the erecting and dismantling phases.

This guide sets out what the Council expects prior to works commencing, during works and when your works are finished. It is important that you read it during your assessment prior to work starting to allow enough time to plan and apply for any permits in advance.

This guide highlights some of the important things to consider before scaffolding in the borough; a full copy of the council's temporary structure terms and conditions can be found at the back of this guide.

TIP 1

Apply for permits in advance

2. Permits and licences

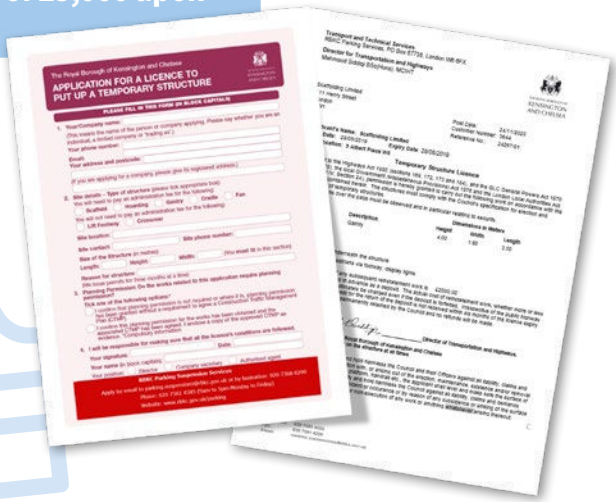
Before you erect scaffolding on a public highway (this includes the pavement as well as carriageway) you must apply for a licence, paying both an administration fee and deposit for any damage that may occur during the course of works.

We issue these licences and any renewals for three months at a time. The licence holder will be responsible for ensuring all the conditions of the licence are complied with. You must not start work until you receive a copy of your licence, and it must always be displayed on the structure.

If you need to suspend parking bays for vehicles or loading, close the footway/carriageway or store materials, you may need to apply for additional permits/licences.

IMPORTANT LEGAL NOTE:

Erecting scaffolding on a public highway without consent or failing to comply with licence conditions is an offence which carries a maximum fine of £5,000 upon conviction in court.



3. Suspensions

Parking bay suspensions (including pay-by-phone and residents' bays) can take up to 10 working days to process, so it is important that you plan your works in advance.

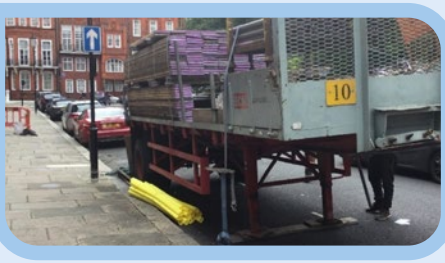
In addition to a parking suspension, you must also obtain a 'plant & materials' permit if you plan on leaving your trailer on the highway overnight. Cones, A-Frames, and other items must not be used to block or reserve unsuspended bays.

IMPORTANT LEGAL NOTE:

The Highways Act 1980 makes it an offence to deposit anything on the highway to the interruption of the user, if found guilty you or your company could receive a Fixed Penalty Notice or fine of up to £1,000.

TIP 2

Plan your works in advance



4. Footway closures

You cannot close or obstruct any public highway, including the footway while erecting or dismantling your scaffolding unless you have permission and must ensure all pedestrians particularly people with prams, wheelchair users, the disabled, the partially sighted and the blind can pass your works freely and safely.

If you need to close the footway you must apply for a Temporary Traffic Order and get permission from the Network Management Team before you begin to work. Applications must be submitted at least six weeks before you plan to start the work.

IMPORTANT LEGAL NOTE:

Under s161 (1) of the Highways Act 1980, it is an offence if a person "without lawful authority or excuse, deposits anything whatsoever on a highway in consequence of which a user of the highway is injured or endangered".

5. Road closures

In most cases, planned traffic management will ensure vehicular traffic (particularly emergency vehicles) can pass safely and residents or visitors to the borough can access or leave without being blocked.

If you need to close any road you will need a **Temporary Traffic Order**. You must get permission from the **Network Management Team** before you begin to work, and they should be contacted at least six weeks before you plan to start the work. If your plans affect major roads or any TfL roads, it could take up to 12 weeks to process your application.

IMPORTANT LEGAL NOTE:

S137 (1) the Highways Act 1980 states "If a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway he is guilty of an offence and liable to a fine".

TIP 3

Allow up to 12 weeks for processing your application

6. Parking

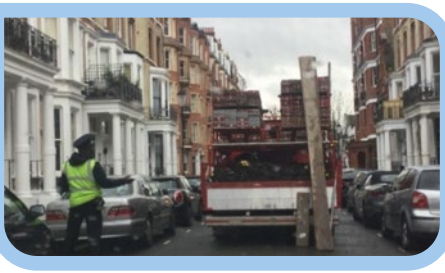
You must ensure that you do not park on the footway or in any other way which causes a danger to other road users such as causing them to reverse down one-way streets or overtake into the path of on-coming traffic.

IMPORTANT LEGAL NOTE:

S137 (1) the Highways Act 1980 states "If a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway he is guilty of an offence and liable to a fine".

TIP 4

Avoid obstructing roads and pavements



7. Lighting

All temporary structures erected on a public highway must be properly lit during the hours of darkness. You must clearly show the full length and width of the scaffolding with lamps that shine a red light to the road. White lights at the same intervals should be displayed within the pedestrian area. Lamps should be of the fluorescent bulkhead type.

IMPORTANT LEGAL NOTE:

S169 of the Highways Act 1980 makes it an offence not to comply with any terms (such as lighting your structure) of a licence.

8. Working hours

All works to erect temporary structures should be carried out within the borough's 'permitted hours' for noisy construction work.

These are: **8am to 6pm, Monday to Friday and at no time on Saturdays, Sundays or Public Holidays**.

To work outside of these hours you must demonstrate that there is a specific health and safety, traffic management or engineering reason that makes this necessary. Examples of when out of hours working is permitted is where a structure needs to be constructed adjacent to a London Underground asset, or is above or adjacent to a busy pedestrianised area.

IMPORTANT LEGAL NOTE:

S169 of the Highways Act 1980 makes it an offence not to comply with any terms (such as lighting your structure) of a licence.

9. Useful contacts

TEMPORARY STRUCTURE LICENCES

You can apply for your scaffolding or hoarding licence by visiting the council's website www.rbkc.gov.uk and typing '**Temporary Structure Licence**' into the search bar. If you have a general enquiry regarding the application process, please contact the Parking Suspensions team.

020 7361 4385 **parking.suspensions@rbkc.gov.uk**

TEMPORARY TRAFFIC ORDERS

To close any part of the public highway including a footway or road you must first seek authorisation from the council. Please visit the council's website www.rbkc.gov.uk and type '**Temporary Traffic Order**' into the search bar to complete the online application. If you have a general enquiry or need further advice regarding TTOs please contact the Network Management Team.

notices@rbkc.gov.uk

PARKING SUSPENSIONS

To suspend parking bays, visit the council's website **www.rbkc.gov.uk** and type '**Parking Suspensions Online Application Form**' into the search bar. If you have a general enquiry regarding the application process, please contact the Parking Suspensions team.

020 7361 4385 **parking.suspensions@rbkc.gov.uk**

DISPENSATIONS FOR OUT OF HOURS/WEEKEND WORKING

If you need to work in the evening or at the weekends, please contact the Noise and Nuisance Team or Construction Management Team. Please note, permission for out of hours working (i.e. not within our permitted hours of 8am – 6pm, Monday to Friday) will only be granted where there are compelling health and safety, traffic management or engineering reasons.

020 7361 3002 **environmentalhealth@rbkc.gov.uk**

Full Terms and Conditions for erecting scaffolding or hoarding on The Royal Borough of Kensington & Chelsea public highway

HIGHWAYS LICENCES

If you want to place scaffolding, hoarding, building materials, skips or other temporary structures on the public highway you will need to apply for a highways licence. A licence is required for each activity you need on site, unless both activities form part of the same structure. For example, if you wish to erect a scaffold and enclose it with a hoarding then this can be covered by one licence but if the work involves erecting a separate scaffold and hoarding on site it will require two separate licences.

If you require parking suspensions to facilitate your licence activities you will also need to apply for parking suspensions. The suspension should be booked at the same time as any relevant deposit is paid.

It is important you read and fully understand the following terms and conditions that are relevant to the licence you want before applying for the licence.

STANDARD CONDITIONS – APPLICABLE TO ALL LICENCES

1. All licence activities shall not be left on the public highway unlicensed. This is an offence and will be rigorously enforced.
2. A valid laminated copy of the licence must always be displayed prominently on site ready for inspection. Licences are only valid for the stated duration. Extensions must be requested at least 24hrs before the end date and may be denied if there are conflicting works on the road network. Out of date licences must be removed and replaced with the latest applicable licence.
3. Any breach of the conditions of the licence may lead to the licence being revoked, a Fixed Penalty Notice being issued or prosecution for the relevant offence. If the owner is convicted of an offence he or she may be fined.

4. If required by the Council, the licensee will be responsible for providing a pedestrian and traffic management plan to include the signing and guarding of the site, in accordance with the Safety at Street Works and Road Works Code of Practice and Chapter 8 of the Traffic Signs Manual. **https://www.gov.uk/government/publications/safety-at-street-works-and-road-works**
5. Public liability insurance of £5m must be provided for the duration of the licence. If this becomes invalid the licence will also be invalid.
6. Bus Lane Suspensions, Road closures and restrictions that require alteration by a Temporary Traffic Order should be applied for separately to this Highway Licence and at least 6 weeks before the licence is due to commence and must be in place before the licence is due to commence.
7. Bus stop suspensions must be requested directly from Transport for London at least 10 working days before the licence is due to commence. Parking bay suspensions may be required to provide a temporary bus stop on occasion. Both suspensions (bus stop and parking bay suspension) must be paid for to the relevant authority when the booking is made.
8. The Licensee will be held responsible for damage to the Public Highway and will be responsible for either reimbursing the Authority for repair works or for repairing the highway once given approval to do so. Any costs the Council incurs will be deducted from deposits held. Where no deposits are held or where the cost of the remedial works is more than the deposit sum held costs will be recharged to the licence holder. A non-refundable fee is also charged for holding deposits. It is suggested that you take photographs of the area before works commence and after works are completed.
9. The Licence is non transferrable to other parties.
10. The licensee must comply with any reasonable direction or instruction given by the Council.
11. If you are renewing a licence, we must receive your new application form before your current licence runs out and in no circumstances later than 24hrs prior to the day of expiry. If you fail to do this, you will be required to provide a further 10 working days' notice and you will not be able to work until a new licence is in place.

12. The licensee must remove, reposition or adjust the activity which has been licensed if required to so by the Police, Fire Service, the Council or any statutory undertakers needing to urgently access their apparatus.
13. Before you start work you must pay a deposit, except for skips which do not require a deposit.
14. The Private Works Engineer upon receipt of your application will inspect the site to decide on the amount of your deposit (except for skips where a deposit isn't required). You will be advised in writing how much is required and whether you will require a parking suspension. Do not send a request for a parking suspension unless you are advised to do so via a deposit letter.
15. After you have finished your work or taken down your scaffolding/hoarding/temporary structure and/or removed all plant and materials you must write and tell the customer services section at Parking Suspensions (see front of application form). This is so that we can inspect the site for any damage and make any necessary repairs. If no repairs are needed, we will refund any deposit we owe you. We will write to you at the address of your last licence when it expires and again after six months. If we do not hear from you within this time, we will not contact you further.

ADDITIONAL CONDITIONS FOR ERECTING A SCAFFOLD

1. This licence is issued for the purposes of Section 169 of the Highways Act 1980, (**https://www.legislation.gov.uk/ukpga/1980/66/section/169**) but does not relieve the applicant from compliance with any other part of that Act, or any other Act, by laws, statutory provision or Regulation that may apply.
2. Minimum headroom of 2.5 metres must always be maintained for the passage of pedestrians. Overhead protection must be provided to prevent against falling objects. Supports must not be placed on any manhole or access cover. No part of a scaffold is to be placed within 450mm of the kerb line.

3. The licensee shall ensure safe access for pedestrians is always maintained. This is to include a clear and protected footway or temporary footway width of 1.2 metres minimum or 1.5metres in areas of high footfall e.g. busy shopping areas, close to transport hubs. Please contact the Council on **020 7361 4385** for further advice if needed.
4. Where agreement has been obtained to erect the scaffold nearer than 450mm to the kerb edge, baulk timbers 300mm x 300mm must be placed on the carriageway for the full length of the scaffolding. These timbers must be painted red and white and fitted with red bulkhead lights at 3 metre intervals unless otherwise specified. Water filled barriers may be used in certain situations and locations, their use must be stipulated during the application process.
5. Any projection over the highway which extends closer than 450mm to the kerb must have at least 5.0 metres clearance above the surface of the carriageway and only installed once agreed with the Authority.
6. No existing road sign/line shall be obstructed or rendered less effective by the construction of scaffolding.
7. No cross poles should be placed across the footway between ground level and first lift level.
8. Where scaffold poles are used on the footway or carriageway, these poles must be covered with yellow foam sleeving and completely covered in red and white, or black and yellow, high visibility tape. All standards up to a height of 2.5 metres should be sleeved or wrapped with padded sleeving and supplemented with yellow warning markings. At night (in other words, between 30 minutes after sunset and 30 minutes before sunrise), in poor daytime visibility and bad weather, lamps are required at 3 metre intervals on the outside of the scaffold.
9. You must display your scaffolding tag to demonstrate the scaffolding is being regularly inspected by the company responsible for maintaining it.
10. If the erection of the scaffolding structure is incomplete, a sign must be attached to the scaffolding structure confirming this status and this sign must be clearly visible to the public.
11. Tools or equipment are not to be left on the public highway whilst the scaffolding is being erected or dismantled.

12. The public footway must not be obstructed with ladders left unattended.
13. A banksman must be deployed to ensure pedestrians, especially those who may be vulnerable, are not at risk during the construction and removal of the scaffold.
14. The erection and removal of the scaffolding shall take place between the licence start and end dates.
15. The first level must be closed with double boards and all levels are to have kick/toe boards.
16. The upper levels shall always have netting attached to prevent any debris from falling onto the public highway.
17. Loose building materials are not to be stored on lift decking or upper scaffolding levels.
18. Pole base plates (metal or plastic only, not wood) must be in place to protect the footway.
19. Scaffold boards are not to be placed underneath poles or base plates.
20. Exposed bolts must always have protective caps covering them. Any horizontal poles must have protective end caps fitted to them also.
21. If a scaffold structure includes any form of hoarding or fencing panels, these must be approved by the Council before a licence is issued. The hoarding licence terms and conditions then apply in addition to these scaffolding terms and conditions.
22. The scaffold company name and contact details must always be clearly displayed on the structure, including when the scaffold is being erected.
23. All ladders or climbing aids should be removed and locked away each evening to prevent unauthorised persons from climbing the scaffold.
24. The scaffolding shall not be used for advertising purposes without planning permission consent in writing from the Council. Please ensure all planning permissions are in place before you apply for your scaffold licence.

25. The licensee shall ensure all personnel working with the scaffold are competent and qualified and take all the relevant and necessary safety precautions.

26. The licensee shall undertake the erection of the scaffolding located in busy shopping areas and traffic sensitive streets in off peak hours i.e. between 10am and 4pm Monday to Friday.

27. Any erection of scaffolding outside of 8am and 6pm should be subject to the approval of the Council's Construction Management Team or the Council's Noise and Nuisance Team. Please contact the Council on **020 7361 3002** for further information if needed.

28. When a temporary footway closure is required as part of the licence or for erecting and dismantling the scaffold, a pedestrian and traffic management plan shall be agreed in writing in advance with the Council to safely divert pedestrians and /or traffic.

29. The licensee is responsible for the suspension of parking bays if required for the construction/removal of the scaffolding and for providing all banksmen, signage, barriers, ramps etc. These items must be checked and secured in the correct position each morning prior to commencing work.

GENERAL NOTES

The scaffold shall be erected, used and dismantled in accordance with the manufacturer's guidelines and compliance with the relevant safety legislation including the Work at Height Regulations 2005 and BS EN 12811-1:2003 (**http://www.legislation.gov.uk/uksi/2005/735/schedule/1/made**), the codes of practice for areas and working scaffolds and special scaffold structures in steel. There MUST be compliance with the H.S.E (Health and Safety Executive) conditions and guidance notes and the Health and Safety at Work Act 1974.

Under the London Local Authorities Act 1991 (**http://www.legislation.gov.uk/ukla/1991/13/contents/enacted**) you, as the licence holder, are responsible for:

- preventing unauthorised access to the scaffolding;
- the security of the building where the scaffolding is being used; and
- the security of any adjoining building.

You can get information and advice on preventing crimes (concerning scaffolding) from the Councils Community Safety Team on **020 7361 3000** or **commsafe@rbkc.gov.uk**.

ADDITIONAL CONDITIONS FOR ERECTING A HOARDING

1. The hoarding should be designed, constructed, erected and dismantled in a safe manner by or in the presence of a competent person and in conjunction with the current legislation including Section 169 and 172 of the Highways Act 1980 and Health and Safety Executive guidelines **https://www.legislation.gov.uk/ukpga/1980/66/section/169 https://www.legislation.gov.uk/ukpga/1980/66/section/172**
2. Wherever possible, the hoarding needs to be kept back from the kerb edge by a minimum of 0.45m. Where an agreement has been made to erect the hoarding nearer than 0.45m to the kerb edge, baulk timbers 300mm x 300mm must be used. The timbers must be painted red and white and fitted with red bulkhead lights at 3m intervals. These must be placed on the carriageway for the full length of the structure. Water filled barriers may be used in certain locations with agreement from the Council.

3. Hoarding must be 2.4 metres high and constructed of smooth material.
4. Hoardings must be lit during the hours of darkness (in other words, between 30 minutes after sunset and 30 minutes before sunrise) with bulkhead lights fixed to the top of the hoarding at 3 metre intervals, red when facing the carriageway, white when facing the footway.
5. The maximum possible footway width must be maintained when designing and installing the hoarding, with a minimum of 1.2 metres remaining for pedestrian access or minimum 1.5m in areas of high foot fall. If pedestrian access cannot be provided on the existing footway, an alternative signed route must be provided and approved by the Council. This must be compliant with the Equality Act 2010 (**https://www.legislation.gov.uk/ukpga/2010/15/contents**)
6. No doors or gates shall be constructed in such a way that they may be opened outwards onto the public highway.
7. Hoardings must not enclose any illuminated sign, public lamp, existing signage, pay-and-display, bike rack or other permanent street apparatus. Any hoardings affected by such apparatus must be recessed allowing access to and visibility of the apparatus at all times.
8. The licensee is responsible for the suspension of any parking bays and for providing all banks men, signage, barriers, ramps etc. as agreed in the traffic management plan. These items shall be checked and secured in the correct position each morning prior to commencing work.
9. All parking bays which are not accessible whilst the hoarding is erected will be charged as if those bays were suspended and a parking suspension form must be completed and payment made at least 10 working days before the licence commences.
10. Permission for hoarding does not extend to the parking of vehicles or loading or unloading of materials. The licensee shall ensure all parking, loading and waiting restrictions are adhered to.

11. The Council (or Transport for London, if a road on the Transport for London Road Network) must be notified before any excavation of the public highway is carried out in front of or behind a hoarding. Utility companies must still comply with legislation relating to the New Roads and Street Works Act 1991 (**http://www.legislation.gov.uk/ukpga/1991/22/contents**). Any excavation or fixing points in the public highway to erect a hoarding shall be subject to the prior agreement of the Council.
12. Concrete block supports for hoardings must be agreed with the Council prior to a licence being issued. The weight of these blocks must not damage the surface of any public highway. Wooden panels should be laid under these blocks to distribute their weight.
13. The licensee shall ensure all personnel working on site operations associated with the hoarding and any connected conveyor are competent and efficient and take all the relevant and necessary safety precautions.
14. Where spoil is being removed from a property, via a conveyor overhanging the footway, into a skip on the road, the licensee shall ensure the entire conveyor and skip is completely enclosed to fully contain the spoil and prevent it falling onto pedestrians, vehicles or the footway. A minimum 2.5 metre headroom should be provided under any hoarding overhanging the footway.
15. High-visibility red and white, or black and yellow, tape should be attached to the lower edges of any hoardings overhanging the footway and any vertical corner edges.
16. A hoarding must have marker lights attached to warn motorists and pedestrians during the hours of darkness (in other words, between 30 minutes after sunset and 30 minutes before sunrise). Red marker lights should be fixed to any hoarding corners adjacent to moving traffic, plus repeated at 3 metre intervals along the length of the hoarding, if it extends that long. White lights should be used to illuminate any public footways, especially under any overhanging conveyor hoardings.

17. Where a footway closure is required to facilitate the works or it is necessary to close it temporarily for erecting the hoarding or associated conveyor, a pedestrian and traffic management plan shall be agreed in writing, in advance with the Council, to safely divert pedestrians and /or traffic.
18. Boards, drills or associated fittings are not to be stored on the highway during erecting and dismantling the hoarding. No tools, wires or other items are to be left lying on the public highway at any time.
19. Where planning permission, building control approval or any other consent is required for the proposed works, the relevant authorisation shall be in place prior to requesting a licence and placing a hoarding and/or conveyor on site.
20. The hoarding must not obstruct access to any inspection covers in the public highway, or any lamp columns or traffic signs.
21. The hoarding should be painted in a uniform colour. Unpainted wooden panels are not permitted. Advertising graphics are not permitted but may be allowed under a separate advertising planning consent.
22. The licensee shall undertake the erection of the hoarding located in busy shopping areas and traffic sensitive streets in off peak hours i.e. between 10am and 4pm Monday to Friday.
23. Any erection of hoarding outside of 8am and 6pm should be subject to the approval of the Council's Construction Management Team or the Council's Noise and Nuisance Team. Please contact the Council on **020 7361 3002** for further information if needed.
24. A hoarding should not be constructed to be a container for loose building materials or waste materials. This should be managed by applying for a skip licence in addition to a hoarding licence if it is to be enclosed.
25. Where scaffold poles are used on the public highway as part of a hoarding structure, these poles must be covered with yellow foam sleeving and completely covered in red and white, or black and yellow, high visibility tape.

ADDITIONAL CONDITIONS FOR ERECTING A TEMPORARY STRUCTURE ON/OVER THE PUBLIC HIGHWAY E.G. GANTRY, CRADLE OR FAN

1. Minimum headroom of 2.5 metres must always be maintained for the passage of pedestrians.
2. The licensee shall ensure safe access for pedestrians is always maintained. This is to include a clear and protected footway or temporary footway width of 1.2 metres minimum or 1.5 metres in areas of high footfall e.g. busy shopping areas, close to transport hubs. Please contact the Council on **020 7361 4385** for further advice if needed.
3. Any projection over the highway which extends closer than 450mm to the kerb must have at least 5.0 metres clearance above the surface of the carriageway and only installed once agreed with the Council.
4. No existing road sign/line shall be obstructed or rendered less effective by the construction of the structure.
5. Tools or equipment are not to be left on the public highway whilst the structure is being erected or dismantled.
6. A banksman must be deployed to ensure pedestrians, especially those who may be vulnerable, are not at risk during the construction and removal of the structure.

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