

(HIGHWAYS ACT 1980 - SECTION 169)

✉: NRSWA@havering.gov.uk

Application for Erection of Temporary Structure on the Public Highway

April 2022 – March 2023

An Erection of 'Temporary Structure' – Scaffolding/Close Boarded Hoarding/Fence/container/welfare licence will permit a company to erect and/or carry out prescribed works which are exempt from excavation to the public footway or carriageway in accordance with the Traffic Management Act 2004 & Highways Act 1980 – Section 169.

Important:

You have no authority to erect, place or obstruct any part of the highway maintained by the London Borough of Havering until informed so in writing by the aforesaid Local Authority, failure to comply will result in a fine not exceeding level 5 on the standard scale.

Additional separate licences must be applied for where the licensee intends to place a skip, place building/materials, crane or excavation on the public highway, failure to comply will result in a fine not exceeding level 5 on the standard scale.

CONDITIONS FOR ERECTING SCAFFOLDING ON THE HIGHWAY **HIGHWAYS ACT 1980 SECTION 169**

These are the conditions applying to the grant of the licence to erect scaffolding.

1. Work may not commence until the date specified.
2. The structure will be adequately lit at all times between half an hour after sunset and half an hour before sunrise.
3. The bottom 2 metres of any scaffolding shall be painted white. When newly painted '**WET PAINT**' signs shall be erected.
4. The applicant will comply with all the directions issued by the Council with respect to the erection and maintenance of traffic signs in connection with the structure.
5. The applicant will afford and protect the rights of the statutory undertakers, to have access as and when reasonably required to that plant or apparatus, and will ensure that no damage is caused to such plant or apparatus.
6. The applicant will complete the work and remove the scaffolding as expeditiously as possible, making good any damage to the highway.
7. No unreasonable obstruction of the highway is caused. Scaffolding must be erected so that no ties or braces obstruct the highway below a height of 2.3 metres.
8. The applicant will fully indemnify the Highway Authority against all claims, demands, costs and expenses which may arise out of the erection or existence of the scaffolding, the subject of the licence, and to support this indemnity, will furnish proof of adequate insurance cover of £10,000,000.00 in respect of any one claim.

NOTES

1. The erection or retention of scaffolding on the highway without a licence issued by the Highway Authority is an offence. (Penalty not exceeding level 5 on the Standard scale – see Section 169 Highways Act 1980).
2. If any of the terms and conditions of this licence are not complied with the Council reserves the right to require the structure to be removed forthwith at the expense of the applicant without prejudice to any claim or right that may have arisen.
3. If the Council refuses to issue a licence or issues a licence on terms to which the applicant objects, the applicant may appeal to the local magistrates court against the refusal or terms.
4. The applicant's attention is drawn to the Health & Safety at Work (etc.) Act 1974, the construction (Working Places) Regulations 1996 (SI 1996 No 94), Sections 168 and 169 of the Highways Act 1980, New Roads & Street Works Act 1991 & Traffic Management Act 2004.

Dear Sir / Madam,

Application for Erection of Structure under Section 169 Highways Act 1980 on the public Highway

In response to your recent request, please find enclosed an application form with notes and provisions relating to control & erection of Structure on the Highway.

A licence relating to the erection of Structure on the Highway is issued for a standard 28 day period, part days will not be accepted, and failure to complete the works within this timescale will require an extension of the licence for a further prescribed 28 day period at the same renewal charges as set out below. Failure to extend/obtain or hold a valid licence will incur fines not exceeding level 5 on the standard scale.

Fees

(Prices set as of 1st April 2022 to 31st March 2023 only, please check fee's/charges if they are outside of these prescribed dates)

- **£87.16** per linear metre with a minimum site cost of **£522.96** (equivalent to a 6 metre site)
- Example: 6mtr site = £522.96, 7mtr site = £610.12, 8mtr site = £697.28
- **£195.00 Inspection Fee** - This is as follows under the New Roads & Street Works & Traffic Management Act code of inspections, (3 x inspections at prescribed rate of £65.00 each visit, total £195 - A, B & C inspection as set out below).

- A) A site inspection undertaken prior to the progress of the works at application stage.
- B) An inspection undertaken within the prescribed 28 days, during works progress.
- C) An inspection undertaken after the prescribed 28 days or following completion of works.

In addition to the above costs, a refundable bond is required and as set out below.

- The sum of **£149.50** per linear metre with a minimum of **£897.00** (equivalent to a 6mtr site)
– Example: 6mtr site = £897.00, 7mtr site = £1,046.50, 8mtr site = £1,196.00 etc.
- For confirmation the bond will be considered for refund after the 'C' inspection & once removal of the structure is carried out, upon this inspection if council officials are satisfied there is no damage to the public highway, only then will the refund be deemed. This includes no staining on the highway is left after the structure has been removed and all debris, spoils etc. are cleared away. If remedial works by council are required this will be deducted from the bond.

Payment Details

Please complete the application form and return it to:
The London Borough of Havering,
NRSWA Section
Town Hall, Main Road
Romford, Essex
RM1 3BB

Cheques are no longer accepted for payment, cheques are only accepted for the bond holding.

- Pay by Debit/Credit Card: phone 01708 431125. Payment will only be accepted once the licence has been agreed in length, depth & authorised.

Note that the completion of this application form does not grant permission to carry out the proposed works, the applicant is required to wait for confirmation & until the licence is granted and received in writing.

It is anticipated that the licence will be granted within 10 working days of receipt providing all the information, documentation & payment is received & correct.



Application for Erection of Temporary Structure on the Public Highway

Licence documentation requirements

Please find enclosed our Temporary Structure licence application, which must be completed in full.

Failure to complete or enclose the following information with valid documents will result in the application being returned to you without being processed:

- 1) Completed Opening notice
- 2) Full description and extent of works to be carried out
- 3) Completed Temporary Structure licence application
- 4) Method statement
- 5) Risk Assessment
- 6) Traffic management & Pedestrian management drawing
- 7) Public liability insurance – Minimum (10m)
- 8) Emergency Contact number (24HRS)
- 9) Signed & Completed Agreement form
- 10) Licence fee via card payment
- 11) Completed temporary traffic signal form (if required on site)
- 12) Copy of the Planning Approval (If required)
- 13) Confined spaces certificate (if applicable)

Please note*** A Temporary Structure licence will only be granted once all of the above documents have been received and approved by a London Borough of Havering Street Works Inspector/Engineer, failure to provide these will result in your application being returned.

Important Note: Section 74 (Overrun charges)

Section 74 of the New Roads and Street Works Act 1991 and the Street Works (Charges of Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2001 allow a Highway Authority, in certain circumstances, to charge an undertaker where the duration of works exceeds the prescribed period or a reasonable period, whichever is the longer. The prescribed daily charges are set out in the Regulations, with the amount varying depending on the road category with the maximum charge per day being **£10,000**.

Application for Erection of Temporary Structure on the Public Highway

Note* Additional abortive or additional visits requested by you will be charged at the prescribed rate of £65.00.

Note** Any amendments to an already agreed licence in any form will incur additional administration costs of £45.00.

Public Liability Insurance

Valid Copy of Public Liability insurance required in the sum of not less than **£10 million** in respect of any one accident; the number of accidents unlimited plus terms and conditions below.

Public Liability Insurance must be taken out by and in the name of the contractor in the sum of not less than £10 million in respect of any one accident with the number of accidents unlimited.

The Policy Schedule Number and last renewal receipt valid for a minimum period of six months for these works on the highway should be enclosed, adequate length of cover/validity should be in place to cover the entire duration of works.

Attention is drawn to Chapter 8 & its code of practice 'Safety at Street Works & Road Works (revised 2013) a copy can be purchased online at www.tsoshop.co.uk or free in PDF at [Safety at Street Works - Gov.UK](#)

Parking

Where there is a site in a metered parking bay or resident's parking bay you will require a suspension of the designation of the parking bay. To acquire a suspension you must contact the Parking section on telephone number 01708 432254. A separate application and payment will be required for parking bay suspensions. It is an offence to place an obstruction in a parking bay which has not been suspended with the Council having the power to remove the obstruction and prosecute the person responsible.

Post/Contact Details

London Borough of Havering
NRSWA Section
Town Hall, Main Road,
Romford, Essex, RM1 3BB

✉: NRSWA@havering.gov.uk



Application for Erection of Temporary Structure on the Public Highway

CONTRACTOR AND SITE DETAILS

Your Works Reference Number:	(Local Authority Reference) LA Reference Number:
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Site/Works Location: (Please give exact address in full including House Name/number plus Eastings & Northings etc.)	Eastings Northings
	(delete or strike through as appropriate) Carriageway: Yes / No Footway: Yes / No Verge: Yes / No	
Nature & dimensions of Works: (Description of work to be carried out in detail)	I/We propose to: (delete or strike through as appropriate) / Erect / Take down / Alter / Repair / Place / The Temporary Structure will be: <ul style="list-style-type: none"> •metres in height •metres in length •metres out from the frontage of the building • It will have / not have a covered platform and handrail to serve as a footway for pedestrians. 	
Traffic/Pedestrian Management Details: (to include drawings)	(delete or strike through as appropriate) Signing Lighting Guarding Only: Yes / No Temporary Traffic Signals: Yes / No Road Closure: Yes / No Footway Closure: Yes / No Parking Suspension: Yes / No Bus Stop Suspension: Yes / No	
Contractors name (Contractor carrying out works)		
Contractor's Full address and Email address.	* *✉*	
Postcode:		
Emergency Contact Number (24hr)	(Note this number will be checked for compliance)	
Day time telephone Number:	(Note this number will be checked for compliance)	

Valid between the following dates

Estimated dates required for licence:	Start Date	End Date
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Application for Erection of Temporary Structure on the
Public Highway

Conditions of Licence:

1. The works are carried out entirely at the applicant's risk. The Council has no liability for the works or the maintenance of the works (either now or in the future) and has no liability for damage caused to private property by the works.
2. The applicant must satisfy him/herself that undertaker's equipment will not be affected (by consultation and with trial holes where appropriate), or if such equipment is affected, the applicant shall carry out any works or take any necessary measures as required by the affected undertaker. [All reinstatements to be to the NRSWA 1991 code of practice.](#)
3. The works will be signed, guarded and lit to the standards detailed in Chapter 8 of the Traffic Signs Manual. Open excavations must also be covered when works are not taking place.
4. Operatives with NRSWA accreditation must undertake the works.
5. Safe access must be provided for pedestrians at all times, pedestrians must not be diverted across any carriageway.
6. Any service or structure constructed beneath the footway, or any repairs or alterations to a structure beneath the footway must be at least 450mm below the footway surface. No footways or carriageways are to be closed unless agreed by the London Borough of Havering.
7. The applicant must have public liability insurance to indemnify the Council against any claim in respect of injury, damage or loss arising from the execution of the works of the placing or presence in the street of apparatus.
8. The applicant must conform to any instructions given by any officer/inspector of the Council especially if the instruction relates to health and safety and especially in respect of condition 3.
9. This licence is issued for the purposes of section 169 of the Highways Act 1980 and Traffic Management Act 2004. It does not exempt the applicant from the need to obtain any other consent, licence or permission which may be required, nor does it relieve the applicant from compliance with any other part of those Acts, or other Acts, local Acts, bylaws, general statutory provisions or Regulations in force in the area.
10. If traffic management requires Temporary Traffic Signals/Lights or a Road Closure then the attached forms must be completed and returned, please be aware that a minimum of 8 weeks is required to process any Road Closure.

Application for Erection of Temporary Structure on the Public Highway

AGREEMENT OF LICENCE FEES AND DEPOSITS

I agree to pay the full cost incurred by the Council in regards to carrying out any said works, on the public highway, including the cost of any necessary ancillary works to execute reinstatement of the public highway as necessary following the removal of builders' materials, spoil etc.

To pay [The London Borough of Havering](#) the licence fee agreement.
(Prices set as of 1st April 2022 to 31st March 2023 only, please check fee's/charges if they are outside of the above prescribed dates)

*Signature of Contractor:

*Print:

DECLARATION OF APPLICATION

Declaration by Contractor

I confirm that the above details in this Temporary Structure Application pack are correct, and acknowledge that the works referred to above must be conducted in accordance with the requirements of Section 169 of the Highways Act 1980 and Traffic Management Act 2004 and the associated legislation and codes of practice, together with any other conditions imposed by the Street Authority in the relevant Licence.

I also acknowledge the statutory need for me to pay the above prescribed fees which are imposed by Havering Street Authority, including any Fixed Penalty Notices (FPN) Section 74 (overrun charges) and/or defect inspection fees with the cost of any necessary remedial works conducted by the Street Authority during the guarantee period being recharged back to the licensee listed or deducted from the bond.

*Company Name:

*Signed:

*Print:

Date:

***Please provide full name & telephone number of recipient below this licence should be returned to if different from that above:**

Print.....Phone.....



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Your Works Reference Number:	(Local Authority Reference) LA Reference Number:
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Section 74 Actual Start Notice <i>Note: Please retain copy of this document (Actual Start Notice) and submit on start of works)</i>	To be completed and returned to Havering Council within 1 working day of the start of works to confirm that the works have 'actually' started, failure to achieve this could result in the 'road space' being unavailable.		
*Contractor Name & Reference: <i>(Contractor who is carrying out works)</i>	*		
Description of works:			
Actual Start date:			
End date:			
Site/Works Location: <i>(Please give exact address in full including House Name/no etc.)</i>			
Exact location:	C/Way	F/Way	Verge
Traffic/Pedestrian Management Details: <i>(to include drawings)</i>	Signing Lighting Guarding Only: Yes / No		Temporary Traffic Signals: Yes / No
	Road Closure: Yes / No		Footway Closure: Yes / No
	Parking Suspension: Yes / No		Bus Stop Suspension: Yes / No
Contractor site contact number			

London Borough of Havering
 NRSWA Section
 Town Hall, Main Road
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 RM1 3BB
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CLOSING NOTICES

Your Works Reference Number:	(Local Authority Reference) LA Reference Number:
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Section 74 Works Stopped Notice Section 70 Registration of Works Notice Note: Please retain copy of this document (Closing Notice) and submit on completion of works	To be completed and returned to Havering Council on completion of works by 16:30 on the next working day after the end date.		
*Contractor name / Address (Contractor who carried out works)	*		
Site/Works Location: (Please give exact address in full including House Name/no etc.)	C/Way	F/Way	Verge
Works status:	Complete	Interim	

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