

### APPLICATION FOR LICENCE TO ERECT SCAFFOLDING, HOARDING OR OTHER STRUCTURE WHICH OBSTRUCTS THE PUBLIC HIGHWAY HIGHWAYS ACT 1980 – SECTIONS 169, 172, 173

#### PART ONE – STRUCTURE DETAILS

Proposed Structure Type	SCAFFOLDING	HOARDING	CRANE	CHERRY PICKER	OTHER (Please Detail)	
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Location of Proposed Structure	Road Name	
	Area / Locality	
	Property Name / Number	
	Detailed Premise Address	
Purpose of proposed structure		

Size of Structure	(a) Length	
	(b) Projection from Building	
	(c) Height	

Structure Duration <i>(dates inclusive)</i>	(a) Date of erection	
	(b) Date of removal	

Appropriate Safety Zone Included	
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Protection Fans Used	
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Has a plan detailing the extent to which the structure will impinge upon the highway (inclusive of any safety zones) been attached as part of this application	YES	NO
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Does any relevant payment for the licence accompany this application (see PART SEVEN – FEES for details)	YES	NO
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Does a moveable obstruction works method statement and risk assessment accompany this application	YES	NO
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## PART TWO – APPLICANT DETAILS

Applicant	Name				
	Address				
	Phone		Fax		Email

Structure to be erected by (if different from applicant)	Name				
	Address				
	Phone		Fax		Email

Structure to be utilised by (if different from applicant)	Name				
	Address				
	Phone		Fax		Email

## PART THREE – DECLARATION

<p>I hereby apply to be permitted to erect a structure on the public highway as per the above details and attached drawing. I understand that an application takes <b>seven</b> days to process that is not in itself a permit to erect and retain a structure on the highway.</p>	Acknowledged (Tick Box) <input style="width: 100%; height: 30px;" type="checkbox"/>		
<p>I acknowledge that I have read and understand the Notes for Guidance (Part Four), Highway Law (Part Five), Health and Safety Guide (Part Six) and that there may be a fee payable (Part Seven)</p>	<input style="width: 100%; height: 30px;" type="checkbox"/>		
<p>I acknowledge that the works referred to in this application must be conducted in accordance with the requirements of the Highways Act 1980, the New Roads and Street Works Act 1991 and associated legislation and codes of practice, together with any other conditions imposed by the Highway Authority (SEFTON COUNCIL) and authorise the Council to repair and reinstate any part of the highway disturbed as a consequence of the hoarding or any other ancillary works and charge with the cost of the repair and reinstatement</p>	<input style="width: 100%; height: 30px;" type="checkbox"/>		
<p>Does the Public Liability Insurance (minimum £5million) documentary proof accompany this application</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">YES</td> <td style="width: 50%; text-align: center;">NO</td> </tr> </table>	YES	NO
YES	NO		

Signed (Applicant)		Date	
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<b>Please send this application to:-</b>			
<b>SEFTON COUNCIL HIGHWAY NETWORK MANAGEMENT</b>			
Address	Highways & Public Protection Department, 3rd Floor, Magdalen House 30, Trinity Road, Bootle, Merseyside L20 3NJ	Telephone	0151 934 4321
		Fax	0151 934 4801
		email	network@sefton.gov.uk

## PART FOUR – NOTES FOR GUIDANCE

The issue of a licence is dependent upon the following conditions being met and maintained throughout the duration of the works.

1. Sefton MBC has the right to dictate the timing of the erection and removal of the scaffolding or hoarding. If a scaffold is to be erected in a pedestrianised area, or on a footpath highway, which requires to remain open, the scaffolder shall be allowed to base out to 2nd lift only. Thereafter, they must go no higher until suitable fans and a boarded protection lift, which conform to BS: 5973, are fitted. It will also be necessary for the remainder of materials to be loaded onto the scaffold to allow for construction within its base dimensions. Furthermore, if the work is requested during the Monday to Saturday period, basing out and materials unloading shall take place prior to **8.00** am.
2. During the erection and removal of the scaffolding or hoarding, the applicant must ensure that he complies with the Code of Practice "Safety at Street Works and Road Works".
3. Where a scaffold or hoarding reduces the width of footway available to pedestrians to a width less than 1.2M then an alternative pedestrian walkway shall be provided, as outlined in the Code of Practise "Safety at Street Works and Road Works".
4. The Licensee must comply at all times with any directions given by Sefton MBC in regard to safety measures.
5. Scaffolding structures, spanning a footway which will continue to be used by pedestrians, shall provide a minimum of 2.1 metres of headroom and incorporate a protected 1st lift and fans as necessary.
6. Ledger bracing below 2.1 metres will not be allowed.
7. If ledger bracing is required, then a hoarding to a minimum height of 2.1 metres shall be provided.
8. All standards up to 2.1 metres shall be adequately colour contrasted using high conspicuity adhesive tape.
9. The scaffolding structure shall be adequately lit throughout the hours of darkness.
10. Hoardings.
  - ◆ Hoardings and barriers shall be clearly marked with tape or colour contrasted with paint and shall be marked at night by danger lamps.
  - ◆ Doors shall not open onto the footway.
  - ◆ The faces of the hoarding abutting the highway shall be free of any projections or surfaces likely to cause injury or damage to the public using the highway.
11. Toeboards and handrails shall be provided for the full length of all working lifts.
12. Where they cannot be avoided, all projections and protruding parts shall be suitably covered so as to protect.
13. The name, address and contact telephone number of the Licensee shall be clearly displayed on the scaffold or hoarding.
14. A Licensee shall do such things in connection with the structure as any statutory undertaker reasonably requests him to do for the purpose of protecting or giving access to nay apparatus belonging to or used or maintained by the undertakers.
15. If any safety measures outlined above are not adhered to, the Council is entitled to remove the hazard by any means they see fit and re-charge their costs incurred to the Licensee.
16. Any Licensee who fails to comply with the terms of the licence is guilty of an offence and liable to a fine not exceeding **£400**.
17. When materials are to be deposited directly into a skip or vehicle from the scaffold, the applicant and user of the scaffold are to ensure the protection of persons using the highway at all times, to this end the scaffold, when used in connection with a licensed skip or other vehicle, must be fitted with a proprietary refuse chute.
18. Applicant's attention is drawn to Section 169, Highways Act 1980 which is printed in full and attached with regard to right of appeal (Sub-Section 3) and the penalty for non-compliance (Sub-Section 5).
19. A person aggrieved by the refusal of a Licence or the terms of a Licence may appeal to a "Magistrates" Court within 21 days from the date on which notice of the decision of the Highway Authority or Council, is served on the person wishing to appeal.

# **THE HIGHWAYS ACT 1980**

## **SECTION 169 - CONTROL OF SCAFFOLDING ON HIGHWAYS**

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- 169 -** (1) Subject to subsection (6) below 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 a highway any scaffolding or other structure which obstructs the highway (hereafter in this section referred to as a “relevant structure”) unless he is authorised to do so by a licence in writing issued for the purposes of this section by the highway authority (hereafter in this section referred to as “a licence”) and complies with the terms of the licence; and a licence may contain such terms as the authority issuing it thinks fit.
- (2) If a person applies to a highway authority for a licence in respect of any relevant structure and furnishes the authority with such particulars in connection with the structure as the authority reasonably demand, it is the duty of the authority to issue a licence to him in respect of the structure unless the authority consider -
- (a) that the structure would cause unreasonable obstruction of a highway; or
  - (b) that a relevant structure erected otherwise than as proposed by the applicant would cause less obstruction of a highway than the structure proposed by him and could conveniently be used for the work in question.
- (3) If on an application for a licence in connection with a highway the highway authority refuse to issue a licence or issue a licence containing terms to which the applicant objects, the applicant may appeal to a magistrates’ court against the refusal or terms; and on such an appeal the court may -
- (a) in the case of an appeal against a refusal, direct the highway authority to issue a licence in pursuance of the application;
  - (b) in the case of an appeal against the terms of the licence, alter the terms.
- (4) Subject to subsection (6) below, it is the duty of a person to whom a licence is issued by a highway authority in respect of a relevant structure -
- (a) to ensure that the structure is adequately lit at all times between half an hour after sunset and half an hour before sunrise;
  - (b) to comply with any directions given to him in writing by the authority with respect to the erection and maintenance of traffic signs in connection with the structure; and
  - (c) to do such things in connection with the structure as any statutory undertakers reasonably request him to do for the purpose of protecting or giving access to any apparatus belonging to or used or maintained by the undertakers.
- In this subsection and in section 171(2) below “statutory undertakers” means any of the following, namely, any body who are statutory undertakers within the meaning provided by section 329(1) below, any universal service provider in connection with the provision of a universal postal service, any licensee under a street works licence and the operator of an electronic communications code network or a driver information network.
- (5) A person who contravenes the provisions of subsection (1) above otherwise than by failing to comply with the terms of a licence or who fails without reasonable excuse to comply with the terms of a licence or to perform a duty imposed on him by subsection (4) above, is guilty of an offence and liable to a fine not exceeding level 5 on the standard scale.
- (6) Nothing in the preceding provisions of this section applies to a relevant structure erected before 14th February 1977 or erected or retained by the British Railways Board, the British Waterways Board or Transport for London or any of its subsidiaries (within the meaning of the Greater London Authority Act 1999) in the exercise of powers conferred on the body in question by any enactment; and nothing in paragraph (a) or (b) of subsection (4) above applies to a relevant structure if no part of it is less than 18 inches in a horizontal direction from a carriageway of the relevant highway and no part of it over a footway of the relevant highway is less than 8 feet in a vertical direction above the footway.
- (7) No civil or criminal proceedings lie in respect of any obstruction of a highway which is caused by a relevant structure if the structure is on or over the highway in accordance with a licence and the person to whom the licence is issued performs the duties imposed on him in respect of the structure by subsection (4) above; and a highway authority by whom a licence is issued do not incur any liability by reason of the issue of the licence.

## **Section 171A - Works under S169 or S171: Charge for Occupation of the Highway**

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- 171A -** (1) The Minister may make provision by regulations requiring a person carrying out any of the following works in a highway maintainable at the public expense—
- (a) erecting or retaining a relevant structure within the meaning of section 169(1) above, or
  - (b) depositing building materials, rubbish or other things, or making a temporary excavation, as mentioned in section 171(1) above,

## PART FIVE – HIGHWAY LAW (Continued)

to pay a charge to the highway authority if the duration of the works exceeds such period as may be prescribed and the works are not completed within a reasonable period.

- (2) For this purpose “a reasonable period” means such period as is agreed by the authority and the person executing the works to be reasonable or, in default of such agreement, is determined by arbitration to be reasonable in the circumstances.

In default of agreement, the authority’s view as to what is a reasonable period shall be acted upon pending the decision of the arbitrator.

- (3) The regulations may provide that if a person applying to the highway authority for a licence under section 169 or consent under section 171 submits together with his application an estimate of the likely duration of the works, the period stated in the estimate shall be taken to be agreed by the authority to be reasonable unless they give notice, in such manner and within such period as may be prescribed, objecting to the estimate.

- (4) The regulations may also provide that if it appears to the person carrying out the works that by reason of matters not previously foreseen or reasonably foreseeable the duration of the works—

- (a) is likely to exceed the prescribed period,
- (b) is likely to exceed the period stated in his previous estimate, or
- (c) is likely to exceed the period previously agreed or determined to be a reasonable period,

he may submit an estimate or revised estimate accordingly, and that if he does so any previous estimate, agreement or determination shall cease to have effect and the period stated in the new estimate shall be taken to be agreed by the authority to be reasonable unless they give notice, in such manner and within such period as may be prescribed, objecting to the estimate.

- (5) The amount of the charge shall be determined in such manner as may be prescribed by reference to the time taken to complete the works and the extent to which the surface of the highway is affected by the works.

Different rates of charge may be prescribed according to the description of works, the place and time at which they are executed and such other factors as appear to the Minister to be relevant.

- (6) The regulations may make provision as to the time and manner of making payment of any charge.
- (7) The regulations shall provide that a highway authority may reduce the amount, or waive payment, of a charge in any particular case, in such classes of case as they may decide or as may be prescribed, or generally.
- (8) In this section “prescribed” means prescribed by the Minister by regulations.

### **Section 171B - Scaffolding, building materials and excavations: charge determined by reference to duration of occupation of highway**

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**171B - (1)** The Secretary of State may make provision by regulations requiring a person who—

- (a) erects a relevant structure on or over a highway maintainable at the public expense,
- (b) deposits building materials, rubbish or other things in such a highway, or
- (c) makes a temporary excavation in such a highway,

to pay a charge to the highway authority.

- (2) The reference in subsection (1)(a) to the erection of a relevant structure is a reference to the erection, in connection with any building or demolition work or the alteration, repair, maintenance or cleaning of any building, of any scaffolding or other structure that obstructs the highway.

- (3) The charge shall be determined in the prescribed manner, by reference to the period (in this section, the “relevant period”) for which—

- (a) a relevant structure is on or over the highway,
- (b) things are deposited in the highway, or (as the case may be)
- (c) there is an excavation in the highway.

- (4) The regulations shall not require charges to be paid to a local highway authority unless the Secretary of State has, by order, approved the authority for the purposes of the regulations.

- (5) The regulations may require disputes of any prescribed description to be referred to an arbitrator appointed in accordance with the regulations.

- (6) Subsections (6) and (10) to (22) of section 171A apply in relation to regulations under subsection (1) of this section as they apply in relation to regulations under subsection (1) of that section.

**171C - Regulations under sections 171A and 171B**

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**171C -** Nothing shall be taken to prevent the imposition of charges by both regulations under section 171A and regulations under section 171B in respect of the same structure, things or excavation at the same time.

**SECTION 172 - HOARDINGS TO BE SET UP DURING BUILDING ETC**

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172 – (1) Subject to subsection (2) below, a 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 appropriate authority so as to separate the building from the street or court.

For the purposes of this section the appropriate authority, in relation to any street or court, is the council of the county, metropolitan district or London borough in which it is situated or, if it is situated in the City, the Common Council.

- (2) The obligation to erect a hoarding or fence imposed by subsection (1) above may be dispensed with if the appropriate authority so consent.
- (3) Where a person has erected a hoarding or fence in compliance with subsection (1) above, he shall—
- (a) if the appropriate authority so require, make a convenient covered platform and handrail to serve as a footway for pedestrians outside the hoarding or fence;
  - (b) maintain the hoarding or fence and any such platform and handrail in good condition to the satisfaction of the authority during such time as the authority may require;
  - (c) if the authority so require, sufficiently light the hoarding or fence and any such platform and handrail during the hours of darkness; and
  - (d) remove the hoarding or fence and any such platform and handrail when required by the authority.
- (4) A person aggrieved by the refusal of a consent under subsection (2) above or by a requirement under subsection (3) above may appeal to a magistrates' court.
- (5) Subject to any order made on appeal, if a person contravenes this section he is guilty of an offence and liable to a fine not exceeding level 3 on the standard scale; and if the offence is continued after conviction he is guilty of a further offence and liable to a fine not exceeding £2 for each day on which the offence is so continued.

**SECTION 173 - HOARDINGS TO BE SECURELY ERECTED**

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- 173 – (1) No person shall use for any purpose a hoarding or similar structure that is in, or adjoins, any street unless it is securely fixed to the satisfaction of the council who, in relation to that street, are the appropriate authority for the purposes of section 172 above.
- (2) If a person contravenes this section he is guilty of an offence and liable to a fine not exceeding level 1 on the standard scale; and if the offence is continued after conviction he is guilty of a further offence and liable to a fine not exceeding £1 for each day on which the offence is so continued.

**SECTION 174 - Precautions to be taken by persons executing works in streets**

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- (1) Where a person is executing works of any description in a street (other than street works within the meaning of Part III of the New Roads and Street Works Act 1991), he—
- (a) shall erect such barriers and traffic signs for preventing danger to traffic, for regulating traffic, and for warning traffic of danger, as may be necessary and remove them as soon as they cease to be needed for any of those purposes;
  - (b) shall cause the works to be properly guarded and lighted during the hours of darkness; and
  - (c) where the nature of the works so requires, shall cause any building adjoining the street to be shored up or otherwise protected.
- (1A) The Secretary of State may give guidance to local highway authorities as to the discharge by them of their obligations under subsection (1)(a) and (b) where they are executing works for road purposes.

## **PART FIVE – HIGHWAY LAW (Continued)**

- (1B) A local highway authority must in executing any works for road purposes have regard to any guidance given under subsection (1A).
- (1C) In subsections (1A) and (1B) “works for road purposes” has the same meaning as in Part 3 of the New Roads and Street Works Act 1991.
- (2) Subject to subsection (3) below, if any person fails to satisfy an obligation to which he is subject by virtue of subsection (1) above he is guilty of an offence and, without prejudice to any other liability to which he may be subject apart from this subsection, is liable to a fine not exceeding £10 in respect of each day of such failure.
- (3) Where a person is subject to the same obligation by virtue of subsection (1) above and by virtue of some other enactment, then, without prejudice to section 18 of the Interpretation Act 1978 (offences under two or more laws), if a failure by him to satisfy that obligation is an offence under an enactment other than subsection (2) above, subsection (2) above does not apply in relation to a failure by him to satisfy that obligation.
- (4) If a person, without lawful authority or excuse,—
- (a) takes down, alters or removes any barrier, traffic sign, support or light erected or placed in pursuance of subsection (1) above or any fence, barrier, traffic sign or light erected or placed on or near a street in pursuance of any other enactment for the purpose of warning users of the street of any obstruction, whether caused by the execution of works in or near the street or otherwise, or of protecting them from danger arising out of such an obstruction, or
- (b) extinguishes any light so placed,
- he is guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.
- (5) For the purposes of section 312 below in its application to an offence under this section statutory undertakers and any universal service provider concerned in connection with the provision of a universal postal service are each to be deemed to be a person aggrieved.

## **PART SIX – HEALTH AND SAFETY GUIDE**

### **HEALTH AND SAFETY EXECUTIVE**

#### **A GUIDE TO THE SAFE ERECTION AND DISMANTLING OF SCAFFOLDING**

##### **1. Introduction**

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Erecting and dismantling scaffolds remains a high risk activity, not only to those carrying out work, but to other workers and the general public. The following guide sets out steps which need to be considered by anyone involved with such work. It is aimed not only at those directly working in the scaffolding industry but also to clients, planning supervisors and principal contractors. Set out below are a number of key issues you will need to consider to ensure scaffolding operations are undertaken safely.

##### **2. The law and planning for safety**

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- ◆ Health and Safety at Work Act **1974**
- ◆ Construction (Design & Management) Regulations **1994**
- ◆ Construction (Health, Safety and Welfare) Regulations **1996**
- ◆ Management of Health and Safety at Work Regulations **1999**

This guide is not designed to explain the above legislation in detail. However, it is important to remember that a wide range of people ranging 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, the ensure the work is carried out safely on site.

##### **3. Scaffold licences**

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A licence from the local authority is required before a scaffold can be erected on a public highway. An additional licence is usually needed if you plan to install a protective fan (not applicable to Sefton MBC). A licence may set down standards on such matters as lighting or painting the scaffold or for a fan it may restrict the height at which it is set. For further advice you should contact your local authority.

##### **4. Protection of the public**

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

- ◆ Obtaining a temporary pavement or street closure whilst operations are carried out;
- ◆ Undertaking operations in "quiet" hours ie. Early morning, at night or at weekends;
- ◆ Incorporating fans, crash decks and "tunnels" as early as possible into a scaffold;
- ◆ Erecting barriers and signs and diverting the public away from operations;
- ◆ Storing scaffold clips and other loose materials are safely on the scaffold; and
- ◆ Not raising or lowering materials over members of the public or other site workers.

Also consider that disabled persons need proper access along pavements covered by scaffolding.

##### **5. Scaffolders working at height**

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Scaffolders must follow safe systems of work to prevent people falling. In particular: -

- ◆ When lifting or lowering materials, scaffolders must be clipped on or working within a handling platform that is fully boarded, with double guard rails and toe boards.
- ◆ A minimum 3 board working platform together with a single guard-rail is provided as erection or dismantling works progress.
- ◆ Safety harness to be worn at all times by scaffolders and fitted with a 1.75m length lanyard and a 55mm opening scaffold hook or similar for one handed operation.
- ◆ Harnesses should be clipped on to a secure anchorage point where falls of 4 metres or more are possible. A secure anchorage point requires the following minimum conditions:
  - ◆ The scaffold must be tied into a sound structure as work progresses.
  - ◆ Attachment can be made to a ledger, transom or guard-rail 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.

## **PART SIX – HEALTH AND SAFETY GUIDE (Continued)**

### **6. Stability of scaffolds**

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Each year there are a number of scaffold collapses across the country. To make sure your scaffold does not collapse you should ensure that:-

- ◆ The anchors specified to tie a scaffold to a structure are suitable for the base material and that they are installed correctly.
- ◆ Scaffold anchors or ties are installed as erection work progress. Conversely, 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, and
- ◆ Scaffolds are not overloaded with equipment, especially tube and fittings, during erection or dismantling operations.

### **7. Training, supervision and monitoring**

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Effective training of scaffolders is possibly the most essential factor in preventing accidents on site. In addition, do not forget the importance of monitoring the scaffold contractor. Clients, principal contractors and others in control should take reasonable steps to ensure that any work being carried out on their site premises is undertaken safely.

Simple steps to take include:

- ◆ Checking the training levels of scaffolders and who will supervise them on site, and
- ◆ Site monitoring of scaffolders to ensure they follow proper safety standards.

### **8. References and further information**

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Health and Safety in Construction HSG150 HSE Books – Tel 01787 881165

Protecting the public: Your next move HSG151 HSE Books.

National Access and Scaffolding Confederation (NASC) Guide SG4:OO: "The use of fall arrest equipment whilst erecting, altering & dismantling scaffolding". Construction Industry Publications – Tel 0121 722 8200 (Available May 2000).

BS 5973:1993 Code of practice for access and working scaffolds and special scaffold structures in steel. BSI publication – Tel 020 8996 9001.

## PART SEVEN – FEES PAYABLE

A Licence will be granted for a maximum of 6 months. Thereafter, a new licence must be applied for at least 7 days before the expiry date.

### Static Obstruction Licence Fee Payment Table

Length of Structure	Fees Payable (per week)
Up to 10 metres in length	£139.00
Over 10 metres and up to 20 metres in length	£167.00
Over 20 metres and up to 30 metres in length	£195.00
Over 30 metres and up to 50 metres in length	£250.00
Over 50 metres in length	£305.00

### Moveable Obstruction Licence Fee Payment Table

Initial Licence Agreement	£139.00
(plus) Daily Inspection Charge	£139.00

All payments can be made by the following methods:

Payment Methods	
Cheque:	Made payable to SEFTON MBC
On line	<a href="https://www.civicaepay.co.uk/Sefton/Webpay_Public/Webpay/Default.aspx">https://www.civicaepay.co.uk/Sefton/Webpay_Public/Webpay/Default.aspx</a> Please pick the relevant payment option under Highway Licences and payments

**ALL FEES PAYABLE *MUST* ACCOMPANY THE APPLICATION**