



STRONG HERITAGE | STRONG FUTURE
RHONDDA CYNON TAF
TREFTADAETH GADARN | DYFODOL SICR

Rhondda Cynon Taff County Borough Council

Highways, Transportation
& Strategic Projects Division

**Scaffolding Licence
Enforcement Policy**

1. INTRODUCTION

- 1.1 The Council, as a Highway Authority, recognises that there is a need for residents and businesses to use scaffolding structures, and that under certain circumstances the appropriate, or only, place that such scaffolding structures can be located will be on the highway. However, such scaffolding structures must be placed in a controlled manner to ensure that safety on the highway is maintained and that traffic flow is not unduly affected.
- 1.2 This document provides guidance to the Council's Streetworks (NRASWA) Section for the effective and safe agreement and enforcement relating to the control of scaffolding structures placed on the highway.
- 1.3 The policy and associated procedures aim to minimise, as much as is reasonably possible, the potential for the disruption of the use of the highway for transport purposes and support more effective controls in the event of companies whom fail to comply and adhere to the Council's policies.

2. LEGISLATIVE BACKGROUND

- 2.1 Under the terms of the Highways Act 1980 (and following the introduction of the local authorities (Transport Charges) Regulations 1998) and further requirements imposed by the Traffic Management Act 2004, which has reinforced the importance which Highway Authorities place on relieving traffic congestion and ensuring the safety of temporary obstructions on the highway, it is now the practice for Highway Authorities to charge scaffolding companies for the consideration of applications to place a scaffolding structure on the highway.
- 2.2 The provision of the Highways Act 1980 assists Highway Authorities in controlling the legal occupation of the highway, while ensuring that the needs and safety of road users are properly considered.
- 2.3 The following legislation governs other aspects of the control and placement of scaffolding structure on the highway:
 - Under s169 of the Highways Act (1980), the owner of a scaffolding structure placed on the highway without permission from the Highways Authority shall be guilty of an offence. (The Council reserves the right to require the scaffolding structure to be removed forthwith at the expense of the owner without prejudice to any claim or right that may have arisen. The cost of removal, disposal and storage of the scaffolding structure will be charged to the scaffolding owner (up to a maximum of £5,000).

3. SERVICE OBJECTIVES

3.1 The purpose of the new policy is to:

- Encourage the authorised placement of a scaffolding structure on the highway by pursuing legal action against those companies whom do not comply with statutory undertakings as prescribed in the Highways Act 1980.
- Encourage the registration of scaffolding companies with the Council to ensure public liability insurance is in place and to ensure compliant business operations are met in accordance with the Council's policies.

4. SCAFFOLDING LICENCE CHARGES

4.1 The Council charges a non-returnable determination fee, (currently set at £26.85), to cover the costs associated with the consideration of the placement of a scaffolding structure on the highway and the issuing of each individual licence.

4.2 Each licence, if approved, will cover a period of 14 consecutive calendar days.

4.3 Extensions (additional 14 consecutive calendar day periods) may be authorised at the discretion of the Council but will incur further determination fee charges per licence issued.

5. SCAFFOLDING COMPANY REGISTRATION

5.1 The Council will only issue scaffolding licences to those companies whom register with the Council. (There will be no fee charged for registration).

5.2 The registration process is required to ensure that all companies have appropriate levels of public liability insurance.

5.3 Failure to provide the appropriate documentation, or failure to comply with the Council's payment terms, may result in a refusal to issue any further licences until all debts are balanced and all operating procedures have been adhered to.

5.4 The option to make a retrospective payment will not be available to any unregistered company and the scaffolding structure may be removed with immediate effect.

6. NON-COMPLIANCE PROCEDURES

6.1 The Council will undertake a phased approach to enforce any unauthorised scaffolding structure ranging from retrospective charges and fees to the removal, disposal and storage of the scaffolding structure, and legal action to recover costs.

- 6.2 A scaffolding structure found on the highway in breach of s169 of the Highways Act 1980 (as well as any associated requirements of the Council) could be subject to removal by the Council with all associated costs of the removal, disposal and storage of the scaffolding structure being recharged to the owner.
- 6.3 Scaffolding companies will be required to pay the original determination fee from the day the scaffolding structure was found on the highway, plus an additional inspection charge of £75.
- 6.4 The company's registration with the Council may be suspended resulting in any further licence applications being declined until the outstanding debt is paid.
- 6.5 Scaffolding companies will have two working days to pay the charge, or the Council will proceed to remove the unauthorised scaffolding structure from the highway.
- 6.6 Upon recovery of costs by the Council, a company will be permitted to reclaim their scaffolding structure. The scaffolding structure will be stored for a maximum period of twenty-eight days, after which time it will be disposed of.

**The option to make a retrospective payment may be withdrawn for any registered company if they have failed to apply for a licence on five occasions within a calendar year. In such cases the scaffolding structure may be removed and the Council may decline to authorise further licences.*