

HIGHWAY LICENSING

Introduction

The Council acting in their capacity as Local Highway Authority have a duty to assert and protect the rights of the public to the use and enjoy the highway. One aspect of the protection of the rights of highway users is to ensure the highway is kept clear of obstruction and free from danger, and where obstructions and potential dangers are present to ensure that they are properly regulated.

The mechanism to regulate many potential dangers and obstructions are set out within the highway act; this specifically involves the grant of a licence or consent by the Authority. This policy sets out the guidelines to be adopted by the Authority when considering applications for licences or consents, the fees to be charged, the information required and the standard conditions subject to which licences or consents will be granted. The matters in relation to which a licence or consent can be granted, and which are subject to this policy, are set out below:

- Projecting signs, canopies and projections from buildings,
- Tables and chairs (cafés) on the highway,
- Pavement displays outside shops
- “A” boards on the highway.
- Builders skips on the highway
- Planting trees, shrubs in the highway
- Scaffolding on the highway
- Hoardings, Portable cabins, building materials, rubbish and other things (including storage containers)
- Buildings on the highway
- Bridges over the highway
- Cellars and vaults under the highway
- Beams, cables, wires and pipes along, over or across the highway.
- Openings into cellars and vaults under streets

Each separate category of licence or consent has its own set of guidelines, its own fee schedule and standard conditions. They are fully detailed below under the relevant subheading.

In summary, the application of the Council's duty as set out in this policy, provides the basis for securing a consistent and fair approach to regulating the use of the highway. The regulatory process can have serious implications for all involved: the general public, businesses, victims, witnesses and defendants. By applying the same principles consistently, everyone involved in the process can be sure matter will be dealt with fairly, effectively and efficiently.

General Principles

There are general principles which will be followed when determining all forms of applications these include: a standard process for dealing with applications (although timescales will vary by application type), where possible a standard appeal procedure, a standard application form. This standardisation aims to make the application and decision making process as consistent, straightforward and user-friendly as possible. Specific details of these elements are set out below.

General Highway Licensing Principles

The following statement sets out the overarching purpose of the Highway Licensing Policy:

“A highway is a route which all persons can use to pass and re pass along as often and whenever they wish without hindrance and without charge. This definition therefore includes the road or carriageway and the footway or pavement. In order to preserve these highway rights it is necessary to ensure that they are not obstructed either wilfully or without consideration. Features and structures placed on the highway must be controlled to ensure they do not unreasonably obstruct or endanger highway users; particularly those with impaired vision, using wheelchairs and prams”.

The primary aim of the Highway Licensing Policy is to protect the rights of the public to use and enjoy the highway. This means that Highways safety is the paramount consideration when determining applications for Highway Licences and Consents.

Other considerations will also be given weight these include (in no particular order and not exhaustively):

The risk to highway users

The reasonableness of the use of the highway

The degree to which a highway is obstructed

The duration of the obstruction

The effect of a proposal on the amenity of an area

The opinions of people who have been consulted

The relationship between a proposal and other Council strategies and initiatives.

Whether any particular highway user or class of highway user (such as cyclists or horse riders) would be unduly inconvenienced.

The potential for damage to the highway

The likely impacts of a proposal on the free passage of highway users

Government advice sets out that consideration should be given to the 'place' function of streets. This function is essentially what distinguishes a street from a road, where the main purpose is to facilitate movement. Streets have five principal functions in all. In addition to those of place and movement, streets need to allow for access, they often need to provide room for parking, and they must accommodate drainage, utilities and street lighting. The conflicting priorities within a particular highway will need to be balanced as part of the consideration process in determining applications.

In reaching a decision the Case Officer will ultimately conclude whether the refusal of permission in a particular case would be proportionate in the circumstances. If permission is refused the reasons for refusal will be given in writing.

Application Forms

A standard application form will be used in respect of most application types. The form is attached at appendix 1. The form sets out the information required for each type of application together with other essential information required to make the application. The application form also requires the applicant to confirm that they will adhere to the terms of the licence or consent and to any conditions imposed thereon.

There is also an option to make an on-line application. This application can be made by visiting the Council's website at www.gateshead.gov.uk.

Application Process

The application form contains details of what information is required in order to allow the determination of the application.

Once an application is received it will be logged into the Council's computer system. The application form, supporting information and fee submitted will be checked to ensure that they comply with the relevant requirements to constitute a valid application. If the application is deficient in any respect the applicant will be contacted and the outstanding information sought. If the outstanding information is not provided within 14 days (or such longer period as the Validation Officer considers reasonable) then the application will be returned.

Once an application is valid it will be passed to the Case Officer to determine. As part of the administration of some licences/ consents, there are legal

consultative requirements. These are to seek the consent of interested frontages* close to the property and to accept representations up to 28 days after a public notice has been posted on or near the premises. Therefore in most instances the Council will post a Public Notice and serve copies to adjoining neighbours as part of the consultation process.

The Council consider it good practice for applicant to consult with neighbours, tenants and adjacent residents, to address any concerns prior to the formal submission of your application.

The case officer will collate any consultation responses and carry out any internal consultation that may be required such as, for example, the Conservation Team for applications in conservation areas. A full list of consultees is set out in appendix 2. Please note that not all consultees will be consulted on every application, only those considered to be relevant in a particular case will be notified.

The Case Officer will then determine the application by applying the general principles of Highway licensing as outlined above and by examining the site specific and individual circumstances of the case.

The determination process may take up to 8 weeks. However the target for determining applications is 6 weeks from the date the application is valid; this includes a 4 week consultation period.

Once the application has been determined, including consideration of the consultation responses a decision notice will be issued either refusing consent or approving the licence/ consent subject to conditions.

* "frontages" means the owners and occupiers of any premises adjoining the part of a highway on, in or over which an object or structure would be placed or on which facilities for recreation or refreshment or both have been, are being or would be provided.

Conditions

All licences which are granted will be granted subject to compliance with conditions. Standard conditions exist in relation to all types of licence or consent which must be adhered to at all times.

In addition there may be additional 'special conditions' imposed based upon the specific circumstances of an application. These like the standard conditions must be adhered to at all times.

It is ultimately the licensee or consent holder who is responsible for ensuring that all conditions are complied with at all times

Appeal Procedure

Where an application is refused or approved subject to special conditions there are a variety of appeal processes depending on the application type. These are predominantly appeals made to the Magistrates Court. However,

where there is no statutory right of appeal the applicant may within 14 days of the decision to refuse an application or approve an application subject to special conditions, request a review by a Senior Officer. The review of the decision where requested will be carried out within 21 days of the request being received. The outcome of the review will be communicated to the applicant in writing.

In all circumstances the option remains for the applicant to have the decision of the Council Judicially Reviewed.

Duration of Licence

Unless specifically stated successful applications for all forms of Licences and Consents are granted for a period of 12 months

Public Liability Insurance

All reference to Public Liability Insurance means that the persons to whom permissions are granted must always have valid public liability insurance for at least £5,000,000 (five million pounds) which also indemnifies Gateshead Council its agents, servants and workmen against any costs, claims for injury, damage or loss arising from the use of the highway for the permitted purpose. Satisfactory evidence of this public liability insurance must be provided before a licence can be granted.

The Licence holder shall have no right to make any claim or charge against the Council in the event of the furniture or other objects being lost, stolen or damaged in any way.

Tacit Consent

Tacit consent will not apply. This means that as there is:

- a risk to public safety through inappropriate use of the highway,

it is in the public interest that the Local Authority must process an application before it can grant authorisation. If no contact has been made by the end of the target completion period, please get in touch with us.

Terms and Conditions

The terms and conditions of all Licences and Consents will be set out in full with the decision notice; further copies are available upon request. Copies of the standard terms and conditions are also available at any time on the Council's website at www.gateshead.gov.uk.

Termination

Failure to comply with the terms and conditions of the licence may result in the licence being suspended or revoked

Other Licences

Any licence or consent granted by the Council in their Capacity as Local Highway Authority and pursuant to provision in Highways Act 1980 **does not** constitute permission under other regimes such as those regulated by the Town and Country Planning Act 1990 and Licensing Act 2003.

Modifications Alterations or Amendment

The procedures and requirements specified within this Guide may be modified, altered or amended at any time as Gateshead Council deems appropriate

Contacts

Planning and Highway Enforcement Team.
E-mail: planhighenf@gateshead.gov.uk
Phone: (0191) 433 3905

Specific Licences and Consents: Guidelines, Fees and Conditions

Tables and chairs (cafés),

The setting up of Pavement Cafés on the public highway is dealt with under Part VIIA, Section 115(A to K) of the Highways Act 1980.

Scope

Gateshead Council recognises that tables and chairs on the highway can encourage a growing Café Culture, enhancing the life and character of the Borough for residents and visitors.

It is important for the Council to consider whether the proposal to place table and chairs on the highway meets the criteria in this policy as well as complying with any legal requirements which serve to protect highway users. The determination of an application involves a number of considerations so it is important to have a clear understanding about the obligations and the conditions that would apply to a licence or consent if granted.

This policy sets out the procedures and matters for consideration when applying for licences or consents to place furniture (such as tables and chairs) on the public highway for the purposes of recreation or refreshment. It is intended to act as a guide to applicants to explain why there is a need to control and manage items placed on the highway, the issues to be considered and the conditions that will apply to successful applications. All applications and grant of licences are subject to the Highways Act 1980 and associated legislation and interpretation

Guidance and Requirements

Prior to presenting any application consideration should be given to the following:

Space – The pavement/footway will need to be clearly delineated. An unobstructed width of 1.5m will be preferred in most areas, however a lesser distance may be considered but never less than 1.2m. This allows wheelchairs and prams to pass and provides an adequate route for blind and partially sighted pedestrians. A greater width will be required in busy locations. Tables and chairs should normally be placed adjacent to the premises at the back of the footway. However, in some very limited circumstances such as large pedestrianised areas a clear access route adjacent to the premises may be required.

Access – The available route past a premises must be straight, obvious and unobstructed. The pedestrian route must not meander between the tables and chairs or standing customers so that pedestrians are not discouraged from using the footway. During hours when vehicles are normally excluded, tables and chairs should occupy only the area licensed in order to ensure a free and

unobstructed route for emergency service vehicles. A minimum width of 4m is required to allow emergency vehicles to pass.

The Licence holder must remove any furniture if required to do so to permit access at various times to allow works by the Council, the emergency services any statutory undertaker or telecommunications operator or where the Licence holder has been notified of a special event taking place. There may also be circumstances when the owners or occupiers of buildings in the vicinity request access; licence holders must act reasonably to accommodate these requests.

When a street market or a special event is active, table and chairs will not be permitted unless there is sufficient space to accommodate passing pedestrians, shoppers, the stalls and stock including access for Emergency Service vehicles. Alternative arrangements for tables and chairs on the highway may be considered but cannot be guaranteed.

Means of enclosure – The licensed area should be physically defined, during hours of operation. The extent of area should be identified by ornamental fencing with adequate openings to permit access. The intention of the enclosure is to contain the area and give clear warning to pedestrians; particularly those with visual impairments. A low level tapping rail would be a necessary requirement. The means of enclosure must be lightweight for out of hour's storage but sufficiently robust to cope with resistance to winds. Enclosures should have a minimum top rail height of 800mm but no taller than 1000mm. Rope or chain barriers are not considered suitable.

Furniture –

Tables and chairs; The Council insist upon a good quality furniture and expect the style to fit in with the local environment. For example, domestic plastic patio furniture will not normally be acceptable. Furniture must be safe and intended for commercial use. It must be properly maintained, replaced as necessary and kept clean. Furniture should be uniform in appearance for the premises. Furniture must not damage the surface of the highway and should not generate unreasonable noise when being moved at night. Consequently consideration should be given to using furniture with rubber feet. Materials should not be too bright, garish or overly reflective.

Portable planters; can be considered in the application, but they must be well maintained, planted, kept clean of debris such as litter and cigarette stubs and must be able to resist accidental or mischievous movement.

Umbrellas/Parasols/Heaters – Umbrella location, colour and material must be specified. They must not overhang beyond the enclosure and must be weighted to prevent them being dislodged by the wind. Umbrellas must be clean and in good condition. If heaters are proposed the heaters must meet BS Standards BS EN 60529:1992 (electric heaters) and/ or BS EN 14543:2005 (gas heaters).

Storage - Café furniture and other items including umbrellas and enclosures etc. shall be removed at the end of trading hours and stored inside the shop

premises or within an alternative safe environment. Suitable storage for tables and chairs; shall be identified by the applicant at the time of application for a licence.

Litter – All tables must be cleared of all uneaten food, used crockery and cutlery as soon as reasonably practicable after being vacated by customers. Food debris must not be swept onto the highway and any wind blown litter in the area must be placed in the premises own waste receptacles. At least one lidded refuse bin should be provided at all times of operation. If smoking is permitted and complies with relevant legislation, ashtrays must be provided. At the end of each day all discarded cigarette stubs must be cleared and the area should be left in a clean and tidy condition. If the site is not kept clean the work may be undertaken by the Council or its nominated contractor and recharged to the licence holder.

Refuse –Waste receptacles should be placed for customer use during the hours when the licensed area of highway is in use.

Street Cleaning – Café furniture must be removed at agreed times to assist with regular street cleaning. Further information as to street cleaning times should be sought from the Council in the event of a licence being granted. It will be the licence holders responsibility to ensure that the Council have access to the highway for cleaning purposes.

Environment / Nuisance – The quality of the air and the immediate environment should be suitable for the proposed use and the proposed activities must not constitute a nuisance. The area must be favourable to sitting/eating/drinking and therefore consideration should be given to traffic volume, bus stops, taxi ranks and fumes. It is recommended that the hours of operation will depend on the location, facilities available and whether the applicant's premises license permits them the use of the highway area. Normally, it would be expected that any business be concluded on the highway by 10pm except in exceptional circumstances where permission is given beyond this time. The permission holder must not cause annoyance to persons using the highway or part of the highway to which the application relates.

Dimensions and Design

For streets with footways and carriageways, the maximum width of any licensed area shall not exceed one third of the usable width of the footpath. A minimum unobstructed footpath width of 1.5 metres must be provided for safe and convenient pedestrian movement (unless otherwise agreed but never less than 1.2 metres). This distance being, measured from the edge of the licensed area to any significant amount of street furniture (such as lamp posts, bollards, parking meters etc). Where there is a heavy pedestrian flow additional footpath space may be required.

For fully pedestrianised streets a minimum width of 1.5 meters or two thirds of the total width of the public highway, whichever is the greater, must remain free and unobstructed to facilitate pedestrian movement. This figure may be

increased where there is a heavy pedestrian flow. The unobstructed route shall fall equally either side of the centre line of the highway to ensure the space available for tables and chairs or shop front displays is shared equally between premises on each side of the street.

The café area shall be immediately adjacent to the frontage of the premises unless otherwise approved.

The means of enclosure must be lightweight for out of hours storage but sufficiently robust to cope with resistance to winds. Rope or chain barriers are not considered suitable.

The means of delineating the café area shall be a minimum of 800mm and a maximum of 1000mm high and a tapping rail should be provided.

No licence will be granted if the effect of this licence and any previously granted for premises in the same street, would be:

that in that street the length of licensed pavement café would result in a continuous section in excess of 50 metres

or

where the public highway concerned is a paved island or square, the licensed area and any previously licensed area would occupy more than 33% of the publicly available space.

Other considerations

Assignment/Underlet: The Holder(s) shall not assign, underlet or part with any interest or possession given by the Permission or any part thereof but the Holder(s) may surrender it at any time or apply to transfer the licence.

Other Tenancy/Permissions: Nothing contained within the Permission shall be construed as the granting of or purported granting by the Council of any tenancy under the Landlord and Tenant Act 1954 or any permission under the Town & Country Planning Act 1990 or any statutory modification or re-enactment thereof for the time being in force.

Consumption of Alcohol: If you intend to serve alcohol within the pavement café area you should first make enquiries with the Council's Licensing section to ensure the appropriate authorisations are in place and that there is not additional restrictions.

Rates, Taxes and Other Outgoings: The Holder(s) shall be responsible for any rates, taxes and other outgoings which may be charged

Application requirements

The following documents must be submitted for an application to be considered. Any missing or deficient documents will result in the application being invalid.

- Completed application form that includes a signed agreement to adhere to all terms and conditions.
- An Ordnance Survey based location plan 1:50 or larger which clearly defines the premises and shows the proposed area to be licensed outlined in red in relation to the premises and kerb line with dimensions.
- The precise location of the tables and chairs, umbrellas, planters, litterbins and means of enclosure.
- A photograph or brochure detailing the furniture to be used and means of enclosure
- Details of the proposed hours and days or the week that will apply
- Details of the proposed place of storage when not in use
- Evidence of public liability policy for the sum of £5 million or above
- The position of any dropped kerbs, pedestrian crossings, parking bays, market pitches, cellar hatches, points of access, fire escapes.
- Payment of licence fee for the appropriate sum

Fees

The fee for a 12 month licence is £125

The fee to transfer a licence is £25

Standard Conditions

1) For streets with footways and carriageways, the maximum width of any licensed area shall not exceed one third of the usable width of the footpath. A minimum unobstructed footpath width of 1.5 metres must be provided for safe and convenient pedestrian movement (unless otherwise agreed but never less than 1.2 metres). This distance being, measured from the edge of the licensed area to any significant amount of street furniture (such as lamp posts, bollards, parking meters etc). Where there is a heavy pedestrian flow additional footpath space may be required.

2) For fully pedestrianised streets a minimum width of 1.8 meters or two thirds of the total width of the public highway, whichever is the greater, must remain free and unobstructed to facilitate pedestrian movement. This figure may be increased where there is a heavy pedestrian flow. The unobstructed route shall fall equally either side of the centre line of the highway to ensure the space available for tables and chairs is shared equally between premises on each side of the street.

3) Only the licensed and designated area shall be used for trading.

- 4) Only tables, chairs and umbrellas associated with tables shall be placed within the designated area. No other furniture other than waste receptacles shall be placed within this area unless agreed and clearly marked on the approved application plan.
- 5) The licence holder will ensure that the designated area is maintained in a clean and tidy condition. The licence holder shall also take appropriate precautions to prevent the highway from becoming, littered as a result of trading activities.
- 6) The licence holder will be responsible for the conduct of customers. They must not be a nuisance or annoy users of the highway or tenants of adjoining premises.
- 7) All tables and chairs shall be removed at the end of each trading day.
- 8) Tables and chairs shall be durable and suitable for outside use. No damaged furniture should be used.
- 9) Tables, chairs and umbrellas shall not be positioned so as to obstruct sight lines for drivers of vehicles at junctions.
- 10) No amplified speakers or music shall be permitted.
- 11) No electrical cables shall be run along the ground in such a way that they create a trip hazard or are susceptible to mechanical damage.
- 12) A clear pathway of at least 1.2 metres wide shall be maintained to allow entrance and exit from shop premises.
- 13) Only refreshments shall be provided and the cafe area shall be used for no other purpose.
- 14) The licence holder(s) may be required to take immediate action to remove all facilities from the highway and to vacate the area immediately if requested by the Council, Police, other emergency service, Statutory Undertaker etc. without any liability for compensation, refund of application fee, or damage arising.
- 15) No canopy or umbrella shall be lower than two metres in height and shall be adequately secured and shall not oversail an unlicensed area of footway.
- 16) In strong winds or other adverse weather conditions umbrellas should be removed, in particularly poor weather all furniture should be removed
- 17) The use of the licensed area shall cease before 22.00 hours each day and shall not commence prior to 08.00 hours.
- 18) The licence shall be displayed in the window of the premises to which it relates.

19) The licence shall be rendered invalid, should the licence holder cease to own the premises or cease employment.

20) The Council reserves the right to vary the conditions of the permit at any time during the period the permit is effective and such variation shall be immediately effective from the time when the licence holder is notified in writing.

Enforcement

The following enforcement procedure shall be applied as standard for all items placed on the Public Highway in breach of the rules and conditions of the Highway Licensing Policy as detailed above:

That on the discovery of a breach of the policy or conditions, a written warning notice shall be issued to the licence holder, warning and advising them of their need to abide by the prevailing regulations.

That on the discovery of a second such breach within three months of the first, a second warning notice be served.

That on the discovery of a third such breach the licence holder will be invited in to the Council to discuss the matter in a formal interview. If the person or business responsible (by action or omission) for the third breach is a holder of a Highway Licence, then this licence shall be temporarily suspended by virtue of a formal suspension notice pending consideration of the case by the relevant Senior Officer.

The period of suspension will be dependent on the seriousness of the breach and the duration of the subsequent investigation combined with the measures taken by the licensee to ensure future compliance with the regulations. Further breaches may result in the revocation of the licence.

Any unauthorised items found on any site following a third breach or suspension/revocation of a licence may be removed from the Public Highway and impounded without a further warning being served. Owners of objects so impounded will be given the opportunity to recover their property. Where appropriate a charge may be made by the Council for the costs of removal and storage.

Additionally, the Council reserves the right to proceed with removal of offending items or prosecution under the Highways Act 1980 at any stage of the above procedure in any case involving serious or regular breaches of legislation.

Displays outside shops

The display of goods outside of shops on the public highway is dealt with under Part VIIA, Section 115(A to K) of the Highways Act 1980.

Scope

This policy relates to displays of goods for sale placed upon the Highway which includes carriageways, footways, footpaths, paved areas, verges and pavements and/or attached to highway property. It does not apply to goods for sale on private property, including privately owned shopping centres.

The Council recognises the need for businesses to attract customers, especially for smaller businesses. The Council acknowledges that such businesses add value to the Borough by providing a diverse range of goods and services.

The Council wishes to work with, and promote and sustain the economic vitality of Gateshead's business community, and therefore a Policy to allow for the use of Highway displays of goods for sale has been introduced. There are conditions that may place restrictions for the use of the highway to display goods where footpath width does not allow safe passage for pedestrians. Alternative methods will need to be explored for those businesses affected as a result of these restrictions for example enhancing shop window displays.

Guidance and Requirements

In areas of high volume pedestrian flow, for example, near schools or in certain pedestrianised areas near to main transport facilities, the display of goods may not be allowed.

Dimensions and Design

The size of a display must be reasonable and must not unduly obstruct highway users and must not endanger highway users.

Displays should not project further than 1 metre from the front of a shop unless special permission has been sought. A minimum of 1.5 metres of unobstructed footway should be retained at all times. This may be reduced to an absolute minimum of 1.2 metres but only if special permission is sought from the Council.

The display must be immediately adjacent to the front of the shop unless special permission has been sought.

Displays of goods must not be placed within 2.0 metres of any tactile paving or dropped kerb and must not be placed on carriageways.

A request for special permission will only be considered where a full risk assessment has been carried out and submitted and will not necessarily be granted.

Displays must not project more than 1000mm from the frontage of the property or higher than 1000mm above ground level. Any application for

displays exceeding these sizes must be accompanied by a full risk assessment and will not necessarily be approved.

Other considerations

The impact of goods displayed for sale on the highway on public safety will depend on the nature of the display and its location. The display must not be so distracting or confusing that it endangers people who are taking reasonable care for their own and others safety.

A display would be considered a hazard if:-

- it obstructs visibility including sight lines for drivers;
- its content or appearance might distract the attention for a period of sufficient duration to endanger highway users;
- it might create glare and dazzle highway users;
- it obstructs, overshadows or distracts the attention away from highway, signs, signals or beacons.

Application requirements

The following documents must be submitted for an application to be considered. Any missing or deficient documents will result in the application being invalid.

- Completed application form that includes a signed agreement to adhere to all terms and conditions.
- Sketch plan, illustration or photograph showing the size and extent of the display together with dimensions. This should also include a description of the range and type of goods to be placed on the highway.
- Details including a sketch plan if appropriate of the structure used to display goods upon.
- Evidence of public liability policy for the sum of £5 million or above.
- Payment of licence fee for the appropriate sum.

Fees

The fee for a 12 month licence is £25

Standard Conditions

- 1) Displays must be temporary in their nature so that they can be easily removed.
- 2) Displays of goods must be stable and not represent an actual or potential danger/cause of injury to any highway users.

- 3) Displays of goods must be such that they can be easily detected by the visually impaired and negotiated by those with mobility problems.
- 4) Displays of goods must not cause a visual distraction or obstruction to vehicle sight lines or block visibility for pedestrians.
- 5) On footways, displays of goods must not be placed within 2.0 metres of any tactile paving ,
- 6) Displays of goods must not have a detrimental effect on the surface of the footway.
- 7) Displays of goods must be totally removed from the highway at the end of each day's trading and securely stored.
- 8) Any displays of goods will be the owner's responsibility when placed in the public highway and the Highway Authority will not be liable for any injury or damage caused to highway users.
- 9) All items must be presented in an attractive, professional manner.
- 10) Only 1 display is permitted outside any establishment frontage even where a property is in multi-occupation.
- 11) Displays must not be fixed to lamp posts, bollards, seats or other items of street furniture.
- 12) Displays must not project more than 1000mm from the frontage of the property or higher than 1000mm above ground level.
- 13) All displays of goods must be entirely adjacent to the frontage of the trading establishment applying for the consent.
- 14) No selling or trading will be permitted upon the highway. All transactions must take place within the trading establishment.
- 15) Displays detached from the frontage are not be permitted under any circumstances
- 16) In certain circumstances the licence holder(s) may be required to take immediate action to remove all facilities from the highway at the specific request of a Police Officer or designated Council Officer.
- 17) Displays should be designed to avoid the need for patrons to queue on the highway. The licence holder shall be responsible for ensuring any queuing that does occur does not obstruct highway users.
- 18) The Council reserves the right to vary the conditions of the permit at any time during the period the licence is effective

Enforcement

The following enforcement procedure shall be applied as standard for all items placed on the Public Highway in breach of the rules and conditions of the Highway Licensing Policy as detailed above:

That on the discovery of a breach of the policy or conditions, a written warning notice shall be issued to the licence holder, warning and advising them of their need to abide by the prevailing regulations.

That on the discovery of a second such breach within three months of the first, a second warning notice be served.

That on the discovery of a third such breach the licence holder will be invited in to the Council to discuss the matter in a formal interview. If the licence holder responsible (by act or omission) for the third breach is a holder of a Highway Licence, then this licence shall be temporarily suspended by virtue of said notice pending consideration of the case by the relevant Senior Officer.

The period of suspension will be dependent on the seriousness of the breach, the length of time required to investigate and the measures taken by the licensee to ensure future compliance with the regulations. Further breaches may result in the revocation of the licence.

Any unauthorised items found on any site following a third breach or suspension/revocation of a licence may be removed from the Public Highway and impounded without a further warning being served. Owners of objects so impounded will be given the opportunity to recover their property. Where appropriate, a charge may be made by the Council for the costs of removal and storage.

Additionally, the Council reserves the right to proceed with removal of offending items or prosecution under the Highways Act 1980 at any stage of the above procedure in any case involving serious or regular breaches of legislation.

“A” boards.

The display of advertising boards (‘A’ boards) outside of shops and other commercial premises on the public highway is dealt with under Part VIIA, Section 115(A to K) of the Highways Act 1980.

Scope

This policy relates to “A”-Boards and other similar advertising boards, the definition of “A”-Boards includes all types of adverts/directional signs/information signs/inanimate characters.

This policy applies to boards placed upon the Highway which includes carriageways, footways, footpaths, paved areas, verges and pavements and/or attached to highway property. It does not apply to boards on private property, including privately owned shopping centres.

The Council recognises the need for businesses to attract customers, especially for smaller businesses. The Council acknowledges that such businesses add value to the Borough by providing a diverse range of goods and services.

The Council wishes to work with, and promote and sustain the economic vitality of Gateshead's business community, and therefore a Policy to allow for the use of Highway advertising such as A-Boards has been introduced. There are conditions that may place restrictions for the use of an A-Board where footpath width does not allow safe passage for pedestrians. Alternative methods will need to be explored for those businesses affected as a result of these restrictions.

Guidance and Requirements

The business needs of attracting potential customers are understood by the Council, and therefore to attract customers businesses may place "A" boards outside of their premises. This policy sets out allowances for what is considered acceptable in respect of "A" boards.

The location to be used must take into account other needs in the immediate vicinity e.g. kerbside parking, bus stops, and pedestrian crossings. In any event where desired locations are not in pedestrianised precincts, a minimum clear distance of 1.5 metres width must be maintained at all times along any footway. This may be relaxed to 1.2 metres in some cases following assessment of the application.

Wherever possible signs should be located within the curtilage (forecourt) of the property.

No electricity supply or illumination will be permitted

No signs, boards, displays, etc. will be permitted on sites where there are private forecourts that could be used to accommodate them.

In areas of high volume pedestrian flow, for example, near schools or in certain pedestrianised areas near to main transport facilities, the placing of advertising boards and the display of goods may not be allowed.

Dimensions and Design

'A' boards and signs placed on the highway must not exceed 1 metre in height and 800 mm in width. This is to ensure some uniformity in design, and thereby limit the size of the obstruction in the highway.

Strong colours enhance in small quantities; too much and the effect is overpowering. To achieve impact a sign or advertisement should contrast with its background but it should not overwhelm it. Vibrant colours can be appropriate in commercial areas to add excitement, but should not be used in more sensitive areas such as Conservation Areas or close to

Listed Buildings.

It may be necessary in some instances for designers to compromise on matters of “corporate design” where it is unsuitable in a particularly sensitive areas.

Whilst the content or subject matter of an advertisement is not a primary consideration, the authority will discourage signs which are purely promotional rather than informative. This is not because of the subject matter of the sign, but in order to discourage a proliferation of promotional advertising, which ultimately would lead to a cluttered appearance.

Signs must not be directional in nature.

Other considerations

The impact of an advertisement on public safety will depend on the nature of the advertisement and its location. The advertisement must not be so distracting or confusing that it endangers people who are taking reasonable care for their own and others safety.

A sign would be considered a hazard if:-

- it obstructs visibility;
- its content or appearance might distract the attention for a period of sufficient duration to endanger the viewer;
- it might create glare and dazzle the viewer;
- it obstructs, overshadows or distracts the attention away from highway, signs, signals or beacons.

Application requirements

The following documents must be submitted for an application to be considered. Any missing or deficient documents will result in the application being invalid.

- Completed application form that includes a signed agreement to adhere to all terms and conditions.
- Photo or illustration showing the type of A-Board proposed together with dimensions
- Evidence of public liability policy for the sum of £5 million or above.
- Payment of licence fee for the appropriate sum.

Fees

The fee for a 12 month licence is £25

Standard Conditions

- 1) Advertising boards and displays must be temporary in their nature so that they can be easily removed.
- 2) Advertising boards and displays must be stable and not represent an actual or potential danger/cause of injury to any highway users.
- 3) Advertising boards and displays must be such that they can be easily detected by the visually impaired and negotiated by those with mobility problems.
- 4) Advertising boards and displays must not cause a visual distraction or obstruction to vehicle sight lines or block visibility for pedestrians.
- 5) On footways, advertising boards and displays must not be placed within 2.0 metres of any tactile paving ,
- 6) Signs, boards, etc. must not have a detrimental effect on the surface of the footway. They must also be stable and not easily blown over.
- 7) All signs, boards and displays must be totally removed from the highway at the end of each day's trading and securely stored.
- 8) Any advertising boards or displays will be the owner's responsibility when placed in the public highway and the Highway Authority will not be liable for any injury or damage caused to highway users.
- 9) Any advertising board or display must relate only to the normal business of the trading establishment.
- 10) All items must be presented in an attractive, professional manner.
- 11) A maximum of 2 advertising signs may be permitted outside any establishment frontage even where property is in multi-occupation.
- 12) Advertising boards must not be fixed or secured to lamp posts, bollards, seats or other items of street furniture.
- 13) Advertising boards should be no greater than 600mm square in plan and no higher than 1000mm above ground level. Any application for signs exceeding these sizes must be accompanied by a full risk assessment and will not necessarily be approved.
- 14) Rotating or swinging advertising signs will not be permitted.
- 15) All displays must be entirely adjacent to the frontage of the trading establishment applying for the consent and
- 16) 'A' Boards and free standing pavement signs must be placed within a

distance of 800 mm immediately in front of and adjoining the premises they are advertising provided that 1.5 metres of clear footway can be retained between the road and the board (unless otherwise agreed).

17) Signs must be displayed directly outside of the establishment which made the application and must relate to goods or services available on the premises.

18) The Council may require the immediate removal of any sign, board, or display, from the Highway for the purposes of maintenance or inspection of the highway.

19) In high winds and other adverse weather conditions the signs should be removed.

20) In certain circumstances the licence holder(s) may be required to take immediate action to remove all facilities from the highway at the specific request of a Police Officer or designated Council Officer.

21) The Council reserves the right to vary the conditions of the permit at any time during the period the permit is effective.

Enforcement

The following enforcement procedure shall be applied as standard for all items placed on the Public Highway in breach of the rules and conditions of the Highway Licensing Policy as detailed above:

That on the discovery of a breach of the policy or conditions, a written warning notice shall be issued to the licence holder, warning and advising them of their need to abide by the prevailing regulations.

That on the discovery of a second such breach within three months of the first, a second warning notice be served.

That on the discovery of a third such breach the licence holder will be invited in to the Council to discuss the matter in a formal interview. If the licence holder responsible (by act or omission) for the third breach is a holder of a Highway Licence, then this licence shall be temporarily suspended by virtue of said notice pending consideration of the case by the relevant Senior Officer.

The period of suspension will be dependent on the seriousness of the breach, the length of time required to investigate and the measures taken by the licensee to ensure future compliance with the regulations. Further breaches may result in the revocation of the licence.

Any unauthorised items found on any site following a third breach or suspension/revocation of a licence may be removed from the Public Highway and impounded without a further warning being served. Owners of objects so impounded will be given the opportunity to recover their property. Where

appropriate, a charge may be made by the Council for the costs of removal and storage.

Additionally, the Council reserves the right to proceed with removal of offending items or prosecution under the Highways Act 1980 at any stage of the above procedure in any case involving serious or regular breaches of legislation.

Builders skips

The deposition of skips on the highway is regulated by section 139 Highways Act 1980

Scope

All skips which are deposited on the highway, including footpaths and highway verges require a licence .

The Council recognises the need in many circumstances to use the highway temporarily to locate a skip. However, locating skips on the highway must not cause an obstruction or pose a danger to highway users. In order to ensure that highway safety is maintained a number of controls are placed on skips deposited on the highway. These controls include limits as to size of skips and location where they may be placed on the highway. These are checked as part of the application process. If a licence is granted following the application process a number of conditions will be applied. It is the responsibility of the skip provider, the skip hirer and the person using the skip to comply with the conditions imposed.

The Council has an accredited skip providers scheme which seeks to make the process of obtaining skip licences easier and cheaper for companies who regularly use the service and who follow the rules.

Full details of the membership scheme are set out at appendix 3

Guidance and Requirements

A guidance document is available and is attached as appendix 4

The skip shall not exceed 5 metres in length and 2 metres in width and must comply with the appropriate Department of the Environment Construction and Use Regulations.

Each skip shall not be placed within 14 metres of any authorised bus stop or road junction or positioned so as to contravene any traffic regulation order or obstruct a footway or footpath or obstruct access to any property without prior consent from the property owner.

A minimum unobstructed carriageway width of 3.7 metres shall be maintained at all times.

Where a skip is situated on a road with a speed limit of more than 30 mph, during the hours of darkness (that is to say that period between half an hour after sunset and half an hour before sunrise) a yellow lamp shall be fixed securely to each corner of the skip. The lighting, signing and guarding of the skip shall conform to the requirements of the Department for Transport's Chapter 8 Safety at Street Works and Roadworks Manual (published by H. M. Stationery Office) or as directed.

Where a skip is located on a road with a speed limit of 30 mph or less, during the hours of darkness (that is to say that period between half an hour after sunset and half an hour before sunrise) a yellow lamp shall be fixed securely to the side of the skip furthest from the edge of the carriageway. In addition the skip(s) shall be guarded by at least three traffic cones placed on the carriageway in an oblique line on the approach side of the skip(s).

The ends of each skip shall be painted yellow and there shall be attached a strip of material the fixing and composition of which complies with the Builders' Skip (Markings) Regulations 1984 (broad red fluorescent and yellow reflecting diagonal strips) which shall be kept clean at all times.

Skips must also be marked with the name and address or telephone number of the skip owner. These markings must be clear and kept clean.

Other considerations

When making an application for a skip licence consideration should be given to any waiting restrictions (for example yellow lines) or residents parking schemes in the area. If there are any restrictions you should note this on your application form so that the appropriate arrangements can, where and if possible, be made to accommodate the skip.

If the skip is to be located in a parking area checks should be made as to whether there are any limitations on the use of the area to accommodate skips.

An application may for a skip licence may be submitted by either the person hiring the skip, the person using the skip or the person providing the skip. However evidence of public liability insurance and a waste carrier license is required therefore it is normal practice for the skip providers to apply. The conditions attached to the licence are binding on both the hirer and provider of the skip.

Application Requirements

The following documents must be submitted for an application to be considered. Any missing or deficient documents will result in the application being invalid.

- Completed application form that includes a signed agreement to adhere to all terms and conditions.
- Evidence of a waste carrier licence
- Evidence of public liability policy for the sum of £5 million or above.
- Payment of licence fee for the appropriate sum.

Fees

SKIP PERMITS

SCHEDULE OF FEES

Permit Type	Cost (inc VAT)	Explanation
Annual Permit Scheme membership	£50	Annual fee to join the skip licence scheme. You must provide a copy of your waste carrier licence and public liability insurance and agree and work to the procedures of the licence guidance and scheme.
Standard (Licence Scheme Member)	£17.80	Normal licence application with 24 hours notice for a maximum duration of 28 days. To avoid the application being considered within same day category it must be received no later than 16:00 on the day before the licence is required.
Standard (Non-licence Scheme Member)	£22.80	Normal licence application with 24 hours notice for a maximum duration of 28 days. To avoid the application being considered within same day category it must be received no later than 16:00 on the day before the licence is required.
Same Day (Licence Scheme Member)	£22.80	Normal licence application where skip is required on the same day for a maximum duration of 28 days.
Same Day (Non-licence Scheme Member)	£27.80	Normal licence application where skip is required on the same day for a maximum duration of 28 days.
8hr Retrospective (Not available to non-licence scheme members)	£27.80	Licence application made within 8 hours of a skip having been placed on the highway. For example where the driver arrives at a property and has no alternative but to place the skip on the highway. Maximum duration 28 days
Retrospective	£86	Licence application made in respect of a skip placed on the highway without first obtaining a licence made later than 8 hours after the skip has been delivered. Maximum duration 7 days.
Renewal (Licence Scheme Member)	£10	Renewal for up to a further 28 days. The application must be made before the expiry of the licence to which it relates.
Renewal (Non-licence Scheme Member)	£15	Renewal for up to a further 28 days. The application must be made before the expiry of the licence to which it relates.

Standard Conditions

- 1) The skip shall not exceed 5 metres in length and 2 metres in width and must comply with the appropriate Department of the Environment Construction and Use Regulations.
- 2) Each skip shall be placed on the highway with its longer side parallel to the carriageway and as near to the edge of the carriageway as possible without obstructing the surface water drainage, fire hydrants, gullies, manholes or the apparatus of any of the statutory undertakers.
- 3) Each skip shall not be placed within 14 metres of any authorised bus stop or road junction or positioned so as to contravene any traffic regulation order or obstruct a footway or footpath or obstruct access to any property without prior consent from the property owner.
- 4) A minimum unobstructed carriageway width of 3.7 metres shall be maintained at all times.
- 5) When more than one skip is to be placed on the highway at any one time they shall be positioned as close as possible to each other without contravening any of the above conditions (1, 2, 3 or 4).
- 6) The ends of each skip shall be painted yellow and there shall be attached a strip of material the fixing and composition of which complies with the Builders' Skip (Markings) Regulations 1984 (broad red fluorescent and yellow reflecting diagonal strips) which shall be kept clean at all times.
- 7) Where a skip is situated on a road with a speed limit of more than 30 mph, during the hours of darkness (that is to say that period between half an hour after sunset and half an hour before sunrise) a yellow lamp shall be fixed securely to each corner of the skip. The lighting, signing and guarding of the skip shall conform to the requirements of the Department for Transport's Chapter 8 Safety at Street Works and Roadworks Manual (published by H. M. Stationery Office) or as directed.
- 8) Where a skip is located on a road with a speed limit of 30 mph or less, during the hours of darkness (that is to say that period between half an hour after sunset and half an hour before sunrise) a yellow lamp shall be fixed securely to the side of the skip furthest from the edge of the carriageway. In addition the skip(s) shall be guarded by at least three traffic cones placed on the carriageway in an oblique line on the approach side of the skip(s)
- 9) No skip shall contain any inflammable, explosive, noxious, dangerous or other material that is likely to putrefy or is likely to become a nuisance to users of the highway.
- 10) No skip shall be used in such a way that any of its contents fall onto the highway. Any spillage on the highway shall be removed at once.

11) Measures to control the escape of dust from the skip shall be employed for the duration of the skip being on the highway.

12) Once the skip is filled the hirer shall within 24 hours notify the skip owner. The skip shall then be removed no later than a further 24 hours after the owner is notified it has been filled. In all cases a skip shall not remain on the highway any longer than 48 hours from it becoming full.

13) Each skip shall be removed at the expiration of the period for which the licence has been granted and the highway shall be left in a clean and tidy condition. Any damage to the highway, including highway verge shall be repaired to the satisfaction of the Director of Development and Enterprise or his representative.

14) In the event that the skip(s) are required for a period greater than that provided by the licence, a further application shall be made at least 2 working days prior to the expiration of the existing licence and the appropriate fee paid.

15) Skips provided in or around shopping centres shall be removed overnight or be fitted with lockable covers. these covers shall be locked when the skip is not in use.

16) Valid Public Liability Insurance Cover for a minimum value of £5 million is required for the duration of the licence.

17) Evidence of a valid Waste Carrier Licence is required.

18) Gateshead Council shall be indemnified against any claim, actions, proceedings or loss or damage arising as a result of the presence of any skip hereby permitted.

19) The Council reserves the right to vary the conditions of the permit at any time during the period the permit is effective.

20) If, during the effective licence period, circumstances change such that the Council, in pursuance of its duty under the Traffic Management Act 2004 to secure the expeditious movement of traffic on its road networks, requires the skip to be moved this shall be actioned within 4 hours of the request being made.

Enforcement

In the event of a breach the Council may issue a warning notice and will progress the matter through a graduated enforcement process. For serious or persistent breaches the Council may proceed immediately with a prosecution

Planting trees, shrubs in the highway

The planting of trees and shrubs in the highway is governed by section 142 Highways Act 1980

Scope

In some circumstances members of the public may wish to plant trees or shrubs in the highway.

The planting of trees and shrubs in the highway must be carefully controlled to ensure that highway safety is not compromised, the highway isn't damaged and the integrity of the highway is not prejudiced.

The Council recognise that appropriate planting can help to improve the amenity of an area and can add to the appearance of a highway. However, this must be balanced against the potential for planting to damage the highway through, for example, the exclusion of sunlight from the highway surface or because of damage caused by root systems. Additionally, planting may interfere with services and utilities which are located underneath, on top of or over highways. Inappropriate planting may also obscure sightlines for drivers and/ or pedestrians preventing them from safely using the highway.

Planting also carries with it a maintenance requirement which must be considered carefully as part of any proposal to plant in the highway.

Guidance and Requirements

The Council will not grant licences to plant trees or shrubs in the highway except in very exceptional circumstances.

The licensee will hold public liability insurance (of no less than £5 million) to cover any potential claims.

The licensee will be responsible for paying an annual fee together with submitting evidence of their public liability insurance for the twelve months following the application. The fee includes the cost of an annual inspection of the planting and a review of the maintenance plan.

The licence may be rescinded at any time if the conditions listed here or within the Highways Act 1980 are not met, and/or the land is not maintained to a suitable standard.

Application Requirements

The following documents must be submitted for an application to be considered. Any missing or deficient documents will result in the application being invalid.

- Completed application form that includes a signed agreement to adhere to all terms and conditions.

- Evidence of public liability policy for the sum of £5 million or above.
- Plan illustrating precise location of site and all existing and proposed planting
- Full details of the planting including extent of any excavations, details of species and annual maintenance regime.
- Written confirmation from all utility companies with apparatus in the vicinity of the site.
- A statement as to the reasons for planting
- Payment of licence fee for the appropriate sum.

Fees

An application for a planting licence for 12 months costs £250

There is an annual fee of £75 to pay on the anniversary of the date on which the licence was granted for the lifetime of the planting.

To transfer a licence there is a fee of £25

Standard conditions

- 1) In the event of an emergency, the council and service providers reserve the right to remove any plants, and will not be liable to reimburse for damage caused.
- 2) Planting must not obstruct visibility at junctions and/or bends, or private entrances.
- 3) The proposed site of planting must adjoin the land occupied by the licensee.
- 4) Licensees are advised that any planting should not enclose the highway and that the land (the subject of the licence) remains highway over which the general public are free to exercise their rights of passage. Existing boundary features between the area and the licensee's land must be maintained, and under no circumstances changed.
- 5) The maintenance of all existing and proposed plants, trees or shrubs is the sole responsibility of the licensee.
- 6) The planting authorised by a licence must be maintained at all times to the satisfaction of the Council. If it appears to the Highway Authority at any time that any [tree/shrub or plant] to which the licence relates is, or is likely to, obstruct or interfere in any way with, or to be a source of danger to passage along the carriageway or any footway of the highway or to overhang the premises of any person other than the Licensee, or that any grass to which this licence relates is not being regularly cut or mown the Authority may, without notice to the Licensee, remove, lop, prune, cut or trim such [trees/shrub/or plant] or cut or mow such grass, as they think fit and any such

action by the Authority shall be without prejudice to its power under Section 142 of the Highways Act 1980 to withdraw the licence.

7) Poisonous species, or species which are likely to constitute a high risk to persons or animals, are not permitted under any circumstance.

8) Planting new shrubs and trees will only be permitted in exceptional circumstances. New planting of flowers (maximum height of 300mm when mature) must be included on a plan.

9) No excavations shall be made in the highway unless these have been specifically agreed by the Council in advance as part of the application process. No further or subsequent excavations shall be made.

10) The licence shall be annexed to papers relating to the land on which the planting takes place and shall remain in force until withdrawn by the authority and the licence enures to the benefit of the owner or occupier of the land.

11) Within one month after any change in the ownership of the land subject to the licence takes place the licensee is to inform the highway authority of it by way of an application to transfer the licence

12) The licensee indemnifies the council from any claims which result from injury, damage or loss arising out of the planting or presence of highway trees, shrubs, plants, grass or other such vegetation to which the license relates.

13) The licensee will hold public liability insurance of no less than £5 million to cover any potential claims for the duration of the licence..

14) All relevant consents must be obtained for the works covered by the licence.

15) The Council reserves the right to vary the conditions of the permit at any time during the period the permit is effective

Enforcement

A highway authority may withdraw a licence after giving seven days notice if any condition of the licence is contravened or after a period of 3 months notice if the Council consider the withdrawal of the licence is necessary for the purpose of the exercise of their functions as a highway authority.

In addition, if in the opinion of the highway authority the planting subject to the licence needs to be removed for any reason they may remove it after giving 7 days notice of their intention to do so.

If in the event of a breach of a condition the Council may issue a warning notice and will progress the matter through a graduated enforcement process. For serious or persistent breaches the Council may proceed immediately with a prosecution.

Scaffolding

Erecting Scaffolding on or over the highway requires a licence, this is governed by section 169 Highways Act 1980

Scope

All scaffolding which is erected on the highway or hanging over the highway, including footpaths and highway verges require a licence.

The Council recognise the need in many circumstances to use the highway temporarily to locate scaffolding. However, scaffolding on the highway must not cause an obstruction or pose a danger to highway users. In order to ensure that highway safety is maintained a number of controls are placed on scaffolding erected on the highway. These controls include limits as to size of scaffolding and location where it may be placed on the highway. These are checked as part of the application process. If a licence is granted following the application process a number of conditions will be applied. It is the responsibility of the scaffolding provider, the scaffolding hirer and the person using the scaffolding to comply with the conditions imposed.

This section also applies to the use of tower scaffolds on the highway.

Guidance and Requirements

Scaffolding and associated hoarding may only be erected on the public highway by suitably competent contractors.

A licence may be valid for a maximum of 12 weeks, however if a scaffolding is actually only required a shorter period, the application should state that. For longer periods, additional applications should be made.

A minimum of 5 days notice is required to process the application.

The relevant structure shall be erected and maintained in accordance with a drawing or details approved in writing by the Council before work commences and shall not be altered without the written consent of the Council.

No part of the erected scaffold structure is to come into contact, or be fixed to, any street furniture, ie street lighting columns, traffic signs, street name plates, etc.

Corner poles must be clearly indicated by warning tapes or sleeves. Warning signs must be provided at ends and external corners. Each tubular support should be provided with distinctive red and white banding. Temporary close-boarded structures delineating a footway should be provided with a continuous white band of similar depth and at the same height above ground level.

Any door in a hoarding shall not open outwards over the footway.

Every part of the structure shall be at least 450mm from the outer edge of the footway. If, because of limited footway width, it is necessary for part of the structure to be nearer than 450mm from the kerb edge then a timber baulk shall be laid in the carriageway channel, but not blocking surface water drainage. The baulk should be painted white and have traffic cones attached to it.

No plant or materials shall be stored outside the relevant structure.

Adequate provision shall be made for the safe passage of pedestrians including high visibility protective covering to all exposed scaffolding up to 8ft (2.6m) and so far as there is a minimum 1.2m wide space between the scaffolding and footpath kerb, or alternatively that the scaffolding is so erected as to allow pedestrians to pass safely.

A close boarded platform must be provided at a minimum height of 2.6m above footway level to protect pedestrians passing under from dust or debris.

Scaffolds erected for works that may generate a dust or spray nuisance must be suitable screened.

The scaffolding should be adequately illuminated with danger lights from half an hour before sunset to half an hour after sunrise.

If any part of a scaffold or hoarding lower than 5.5 metres comes within 1 metre of the kerb, a temporary kerb shall be provided to give an additional 1 metre clearance.

No part of a scaffold or hoarding below a height of 5.5 metres shall overhang the carriageway.

Any scaffold or hoarding in the carriageway is to be protected by large timbers secured independently of the structure giving 0.5 metres clearance and the ends of the timbers and bands at 6 metre intervals are to be marked with yellow paint.

Other considerations

If a footpath is to be completely obstructed then it will need to be formally closed. This must be done by the Council prior to the scaffolding being erected, there is an additional fee payable and you should contact the Council as soon as possible.

The applicant should also comply with the conditions as specified in the Health and Safety at Work Act 1974 Chapter 37 i.e. All works to comply with The British Standards Code of Practice BS 5973:1993 Access and working scaffolds and special scaffold structures in steel.

The application may be made by the person hiring the scaffolding the person using the scaffolding or the scaffolding provider. However, as evidence of public liability insurance is required it is usual for the scaffolding provider to make the application.

Application Requirements

The following documents must be submitted for an application to be considered. Any missing or deficient documents will result in the application being invalid.

- Completed application form that includes a signed agreement to adhere to all terms and conditions.
- Evidence of public liability policy for the sum of £5 million or above.
- Plan illustrating precise location of site and the location of the scaffolding including dimensions
- Details of the safety provisions such as signing and lighting of scaffolding
- Payment of licence fee for the appropriate sum.

Fees

An application for a scaffolding permit which lasts for 12 weeks costs £125

An application to extend a scaffolding permit by a further 28 days costs £25

Standard Conditions

1) Any scaffold structure on or over a footway that continues to be used by the public must have minimum clear headroom of 2.6 metres. Cross bracing below this height will not be allowed due to the potential danger to those with impaired vision. Cross bracing at ground level is not permitted under normal circumstances. If it is required for the integrity of the structure then an unobstructed close-boarded or sheet timber-walking platform is to be provided whilst maintaining clear headroom of 2.6 metres. All scaffolding below a height of 1.6 metres shall be adequately colour contrasted by using 'warning' adhesive tape or by painting in white or bright yellow. Any projections or protruding parts shall be adequately covered or padded to prevent possible injury to the public.

2) A minimum width of unobstructed footway of 1.5 metres shall be maintained in busy pedestrian areas. A minimum of 1.2 metres unobstructed footway may be deemed acceptable at less busy locations. In essence, safe access must be maintained for users in wheelchairs, users with prams or buggies and small children and users with guide dogs. Tapping boards and handrails shall be provided for the full length of the structure except for access points.

3) If it is not practical to provide a safe route through the scaffold / hoarding structure an alternative route must be provided around the structure to provide a safe passage. If pedestrians have to be diverted onto the carriageway they must be separated from moving traffic by a suitable physical barrier and the safe passage signed and guarded in accordance with the Department for Transport's Chapter 8 Safety at Street Works and Roadwork's Manual and to the satisfaction of the Council.

4) If any part of a scaffold or hoarding lower than 5.5 metres comes within 1 metre of the kerb, a temporary kerb shall be provided to give an additional 1 metre clearance.

No part of a scaffold or hoarding below a height of 5.5 metres shall overhang the carriageway.

Any scaffold or hoarding in the carriageway is to be protected by large timbers secured independently of the structure giving 0.5 metres clearance and the ends of the timbers and bands at 6 metre intervals are to be marked with yellow paint.

5) An overhead panel or platform shall be provided to protect pedestrians from falling objects. Should the structure be used for the washing down of a building it must be completely sheeted to protect the public and provision must be made to for any run off water to be discharged safely away from the highway.

6) Any structure shall be adequately secured in place and able to withstand all expected loadings / stresses.

7) Warning signs with the legend 'DANGER – MEN WORKING ABOVE' must be displayed at each end of the structure. The name and address and telephone contact number of the Licensee shall be clearly displayed on the structure.

8) The structure must be lit during the hours of darkness (that is to say that period between half an hour after sunset and half an hour before sunrise) with warning lights at each end and at every 6 metres. A gantry must have white lights under it if the area is accessible by the public.

9) Doors or access points within the structure shall not open onto the highway.

10) Fire hydrants or other similar apparatus must not be enclosed by the structure without prior consent from the relevant authority.

11) All scaffold tubes on the highway shall be supported on base plates. Sole plates must also be used where the loading may in any way damage the highway surface.

12) The structure shall be erected and dismantled without causing undue obstruction to the highway (e.g. outside of rush hour / peak periods). After dismantling the site shall be cleared and restored to the satisfaction of the

Council. Any damage to the highway shall be made good at the Licensee's expense to the satisfaction of the Director of Development and Enterprise or his representative.

13) Public Liability Insurance Cover for a minimum value of £5 million should be held for the duration of the licence.

14) Gateshead Council shall be indemnified against any claim, actions, proceedings or loss or damage arising as a result of the presence of any hoarding and or scaffold structure hereby permitted.

15) No materials should be stored on the Highway associated with the scaffolding unless authorised by a separate licence granted under section 171 Highway Act 1980.

16) The scaffolding shall be removed at the expiration of the period for which the permission has been granted and the highway shall be left in a clean and tidy condition. Any damage to the highway, including highway verge shall be repaired to the satisfaction of the Director of Development and Enterprise or his representative.

17) The Council reserves the right to vary the conditions of the permit at any time during the period the permit is effective

Enforcement

The scaffolding will be inspected following its construction to ensure it complies with the conditions imposed and accords with the plans and details submitted. In the first instance, if the scaffolding is found to be defective it will be re-inspected after the scaffolding provider has been given the opportunity to remedy the deficiencies. There will be a charge of £50 for the re-inspection.

Additionally, in the event of a breach of a condition the Council may issue a warning notice and will progress the matter through a graduated enforcement process. For serious or persistent breaches the Council may proceed immediately with a prosecution.

Hoardings

Erecting a hoarding on or over the highway requires a permit, this is governed by section 169 Highways Act 1980

Scope

Any hoarding which is erected on the highway or hanging over the highway, including footpaths and highway verges require a permit.

The Council recognises the need in many circumstances to use the part of the highway temporarily to locate a hoarding. However, hoardings on the

highway must not cause an obstruction or pose a danger to highway users. In order to ensure that highway safety is maintained a number of controls are placed on hoardings erected on the highway. These controls include limits as to size of hoardings and location where it may be placed on the highway. These are checked as part of the application process. If a permit is granted following the application process a number of conditions will be applied. It is the responsibility of the hoarding provider, the hoarding owner to comply with the conditions imposed.

Guidance and Requirements

Hoardings should only be erected where there is ongoing work, for example demolition or refurbishment of a building adjacent to the highway, or to temporarily secure a site.

Hoardings should be positioned so as to allow free passage along the highway. In particular there should be minimum width of unobstructed footway of 1.5 metres which shall be maintained in busy pedestrian areas. A minimum of 1.2 metres unobstructed footway may be deemed acceptable at less busy locations but any distance less than 1.5 metres must be approved by the Council.

In essence, safe access must be maintained for users in wheelchairs, users with prams or buggies and small children and users with guide dogs.

The hoardings must be a minimum of 2.4 metres high and must be maintained in a safe condition free of projections which could potentially injure highway users.

The hoarding must be constructed of robust material and must be stoutly secured.

Other considerations

Any adverts displayed on a hoarding may require Advertisement Consent.

Application Requirements

The following documents must be submitted for an application to be considered. Any missing or deficient documents will result in the application being invalid.

- Completed application form that includes a signed agreement to adhere to all terms and conditions.
- Evidence of public liability policy for the sum of £5 million or above.
- Plan illustrating precise location of site and the location of the hoarding including dimensions
- Details of the method of securely fixing the hoarding

- Details of the safety provisions such as signing and lighting of hoarding
- Payment of licence fee for the appropriate sum.

Fees

An application for a hoarding for a period of 6 months costs £100

Standard Conditions

- 1) A minimum width of unobstructed footway of 1.5 metres shall be maintained in busy pedestrian areas. A minimum of 1.2 metres unobstructed footway may be deemed acceptable at less busy locations. In essence, safe access must be maintained for users in wheelchairs, users with prams or buggies and small children and users with guide dogs. Tapping boards and handrails shall be provided for the full length of the structure except for access points.
- 2) A safe route must be provided around the structure to provide a safe passage. If pedestrians have to be diverted onto the carriageway they must be separated from moving traffic by a suitable physical barrier and the safe passage signed and guarded in accordance with the Department for Transport's Chapter 8 Safety at Street Works and Roadwork's Manual and to the satisfaction of the Council.
- 3) Doors or access points within the structure shall not open onto the highway.
- 4) Fire hydrants or other similar apparatus must not be enclosed by the structure without prior consent from the relevant authority.
- 5) The structure shall be erected and dismantled without causing undue obstruction to the highway (e.g. outside of rush hour / peak periods). After dismantling the site shall be cleared and restored to the satisfaction of the Council. Any damage to the highway shall be made good at the Licensee's expense.
- 6) Valid Public Liability Insurance Cover for a minimum value of £5 million is required for the duration of the licence.
- 7) Gateshead Council shall be indemnified against any claim, actions, proceedings or loss or damage arising as a result of the presence of any hoarding and or scaffold structure hereby permitted.
- 8) No materials should be stored on the Highway associated with the scaffolding unless authorised by a separate licence granted under section 171 Highway Act 1980.
- 9) The hoarding shall be removed at the expiration of the period for which the permission has been granted and the highway shall be left in a clean and tidy

condition. Any damage to the highway, including highway verge shall be repaired to the satisfaction of the Director of Development and Enterprise or his representative.

10) The Council reserves the right to vary the conditions of the permit at any time during the period the permit is effective

Enforcement

In the event of a breach of any breaches including a breach of condition the Council may issue a warning notice and will progress the matter through a graduated enforcement process. For serious or persistent breaches the Council may proceed immediately with a prosecution.

Portable cabins, building materials, rubbish and other things (including storage containers)

Depositing , Portable cabins, building materials, rubbish and other things (including storage containers) on the highway is governed by section 171 Highway Act 1980

Scope

From time to time, particularly when building work is being carried out material connected with the works or a portable cabin to accommodate workers or equipment may need to be located on the highway.

The Council recognises the importance of being able to temporarily use the highway for storage particularly where sites are small and space is at a premium. However, the storage of items on the highway particularly building materials such as waste arising from excavations can be problematic and can create serious problems and danger to highway users if it is not properly regulated.

In light of this the Council will consider licensing portable cabins and materials to be stored on the highway subject to appropriate conditions provided it is safe to do so.

Guidance and requirements

Cabins and Materials must be located sensitively on the highway to avoid creating a hazard and to avoid any undue inconvenience to highway users.

Cabins on the highway share many principles with skips and much of the guidance relating to skips applies. In particular cabins shall be placed on the highway with its longer side parallel to the carriageway and as near to the edge of the carriageway (kerb face) as possible without obstructing the surface water drainage, fire hydrants, gullies, manholes or the apparatus of any of the statutory undertakers.

Cabins shall not be placed within 14 metres of any authorised bus stop or road junction or positioned so as to contravene any traffic regulation order or obstruct a footway or footpath or obstruct access to any property without prior consent from the property owner. Additionally, a minimum unobstructed carriageway width of 3.7 metres shall be maintained at all times unless a lesser distance has been agreed with the Council as part of the application process.

The same guidance applies to building materials and both cabins and materials must be properly guarded at all times and they must be positioned away from junctions

Also in order that the Council can verify a licence is in force and if necessary make contact with the person responsible for the materials or the cabin each must be clearly marked with the licence number, owner's name, address and a 24hour telephone number and these must be kept clean and legible at all times

Application requirements

The following documents must be submitted for an application to be considered. Any missing or deficient documents will result in the application being invalid.

- Completed application form that includes a signed agreement to adhere to all terms and conditions.
- Plan showing the location of the container or materials or a detailed description of their location (including a description of the materials)
- Evidence of public liability policy for the sum of £5 million or above.
- Payment of licence fee for the appropriate sum.

Fee

An application to store a portable cabin on the highway for up to 28 days costs £55

An application to extend a permit for a cabin for up to a further 28 days is £25

An application to store building materials on the highway for up to 10 days costs £30

An application to extend a permit to store building materials on the highway for up to a further 10 days is £20

Standard Conditions

Portable cabins on the highway

- 1) Each cabin must be clearly marked with the licence number, owner's name, address and a 24hour telephone number and these must be kept clean and legible at all times. The cabin shall not be used for advertising purposes.
- 2) Cabins shall be signed and guarded in accordance with Safety at Street Works and Road Works - A Code of Practice, the Traffic Signs Regulations and General Directions, and with Chapter 8 of the Traffic Signs Manual
- 3) On the ends of each cabin shall be attached strips of material the fixing and composition of which complies with the Builders' Skip (Markings) Regulations 1984 (broad red fluorescent and yellow reflecting diagonal strips) which shall be kept clean at all times.
- 4) Each cabin shall be placed on the highway with its longer side parallel to the carriageway and as near to the edge of the carriageway (kerb face) as possible without obstructing the surface water drainage, fire hydrants, gullies, manholes or the apparatus of any of the statutory undertakers.
- 5) Each cabin shall not be placed within 14 metres of any authorised bus stop or road junction or positioned so as to contravene any traffic regulation order or obstruct a footway or footpath or obstruct access to any property without prior consent from the property owner.
- 6) A minimum unobstructed carriageway width of 3.7 metres shall be maintained at all times.
- 7) No cabin doors (including window shutters) should open out into the carriageway.
- 8) Cabin doors (including window shutters) that open out into the footway must be properly guarded and must not obstruct, endanger or inconvenience highway users.
- 9) Valid Public Liability Insurance Cover for a minimum value of £5 million is required for the duration of the licence.
- 10) Gateshead Council shall be indemnified against any claim, actions, proceedings or loss or damage arising as a result of the presence of any materials hereby permitted.
- 11) The Council reserves the right to vary the conditions of the permit at any time during the period the permit is effective
- 12) Storage of equipment should be inside of the cabin only
- 13) The cabin must be left in a secure condition when unattended
- 14) Any damage to the highway caused by the cabin or its contents must be notified to the Council immediately. It must then be repaired at the licensee's expense to the satisfaction of the Director of Development and Enterprise or his representative.

Materials on the highway

- 1) Each storage location must be clearly marked with the licence number, owner's name, address and a 24hour telephone number and these must be kept clean and legible at all times. The storage location shall not be used for advertising purposes.
- 2) Materials shall be signed and guarded in accordance with Safety at Street Works and Road Works - A Code of Practice, the Traffic Signs Regulations and General Directions, and with Chapter 8 of the Traffic Signs Manual
- 3) The materials shall not be less than 250mm from the kerb face and shall not project more than 1.75m from the kerb face.
- 4) The materials shall not obstruct any manhole, channel, gulley or other apparatus of the Council or any Statutory Undertaker.
- 5) The materials shall be protected at each end by warning signs and cones in accordance with chapter 8 of the Traffic Signs Manual, "Traffic Safety Measures and Signs for Road Works and Temporary Situations" (or any subsequent replacement). The Signs shall be kept clean at all times.
- 6) Loose materials shall be placed on boards and have end boards as in No. 5 above and each long side shall be boarded so as to form a box.
- 7) The highway where the materials are being stored shall be kept/maintained in a clean and tidy condition during the period of the licence and any spillage or debris shall be swept and removed from the highway
- 8) The materials shall be removed from the highway by the last day of the licence period or at the conclusion of works if within the licence period and the highway shall be left in a clean and tidy condition. Any damage to the highway shall be notified to the Council immediately and made good at the Licensee's expense.
- 9) Nothing in this consent shall be deemed to affect or lessen the powers of the police or the council's officers to have the obstruction moved at any time.
- 10) Any mixing of materials on the highway to be within the confines of the area of consent and to be carried out on boards and not on the road surface. See section 170 Highways Act 1980 for further guidance.
- 11) Materials shall not be placed within 14 metres of any authorised bus stop or road junction or positioned so as to contravene any traffic regulation order or obstruct a footway or footpath or obstruct access to any premises, unless done with the consent of the owner
- 12) 1.5m clear walkway must be maintained at all times on the footway, unless an alternative pedestrian route has been agreed

13) Measures to control the escape of dust from the storage area shall be employed for the duration of the material being on the highway.

14) Valid Public Liability Insurance Cover for a minimum value of £5 million is required for the duration of the licence.

15) Gateshead Council shall be indemnified against any claim, actions, proceedings or loss or damage arising as a result of the presence of any materials hereby permitted.

16) The Council reserves the right to vary the conditions of the permit at any time during the period the permit is effective

Enforcement

In the event of a breach of any breaches including a breach of condition the Council may issue a warning notice and will progress the matter through a graduated enforcement process. For serious or persistent breaches the Council may proceed immediately with a prosecution.

Bridges over the highway

Bridges which pass over the highway are regulated by section 176 Highways Act 1980.

Scope

In some very limited cases private individuals may wish to construct a bridge over the highway to for example link two buildings together.

Whilst there will be a presumption against allowing such structures to be built over the highway in certain limited circumstances permission may be granted subject to the structure being considered acceptable. Where a bridge is to extend over the highway there are very serious potential risks which must be fully assessed by the Council. The potential risks must be completely mitigated before any consent can be granted. This means that a wide range of information will be required before an application can be considered.

In addition, there will be a need to review licences and consents on a five yearly basis (or such lesser period as Officers consider necessary) to ensure the bridge continues to be in a condition that is not prejudicial to highway safety. There is also a requirement for an annual inspection for which a fee will be charged.

Guidance and requirements

Each case will be assessed on its own merits however some general principles are suggested.

Where any part of the bridge extends over part of a highway that is a footway more than 1 metre from a carriageway it must not be lower in height than 2.4 metres from the height of the highway surface.

Where any part of the bridge extends over part of a highway that is a footway less than 1 metre from a carriageway it must not be lower in height than 5.5 metres from the height of the highway surface.

Where any part of the bridge extends over a carriageway it must not be lower in height than 5.5 metres from the height of the highway surface.

The materials used in the construction of the bridge should be carefully considered as this will form part of your planning application but must also satisfy the requirements of this licence. Therefore they should be suitably robust so as in the event of deterioration nothing will fall onto the highway.

Means must be provided to prevent rainwater or objects from being discharged or falling onto the highway. All such rainwater shall be intercepted and led into suitable drainage pipes entirely within the building and shall not discharge onto the highway.

Wherever practicable any window incorporated in the works shall be so constructed as to be reversible such that any necessary cleaning operation shall be carried out entirely from within.

Application requirements

The following documents must be submitted for an application to be considered. Any missing or deficient documents will result in the application being invalid.

- Completed application form that includes a signed agreement to adhere to all terms and conditions.
- Evidence of public liability policy for the sum of £5 million or above
- A location plan using an Ordnance Survey Base to a scale of 1:1250
- A scaled vertical sectional drawing showing the bridge (including the building or part of a building from which the structure derives support and external appearance) and the street it is proposed to extend over to a scale of not less than 1:200 and not more than 1:50
- A scaled plan drawing showing the bridge, any kerb line, existing highway structures, carriageways, footways and the extent of the bridge to a scale of not less than 1:200 and not more than 1:50
- Details of what the bridge is to be used for and the internal layout
- Proof that the Works are permitted development, namely
 - (i) the decision letter, prior approval letter or an appeal inspector's notice in response to an application/appeal under Town and Country Planning Act 1990 for permission to develop, and

(ii) a plan listed in that letter or notice which shows the proposed oversail.

- Full details of structural calculations used in the design of the bridge
- Details of the construction methodology of the bridge including, where appropriate details of the approved Building Inspector supervising construction
- Any other relevant information considered to be relevant to the particular project being assessed such as for example electrical safety certificates or engineering detailing
- Payment of Admin licence fee for the appropriate sum.

Fees

An application for a licence under section 176 for a bridge over the highway for a period of 5 years costs £1250

The renewal of an application for a further 5 years costs £625

The annual inspection fee is £125

The cost to transfer a licence is £25

Standard conditions

1) Where any part of the bridge extends over part of a highway that is a footway more than 1 metre from a carriageway it must not be lower in height than 2.4 metres from the height of the highway surface.

Where any part of the bridge extends over part of a highway that is a footway less than 1 metre from a carriageway it must not be lower in height than 5.5 metres from the height of the highway surface.

Where any part of the bridge extends over a carriageway it must not be lower in height than 5.5 metres from the height of the highway surface.

2) The Licensee must keep the structure in good repair.

3) Nothing in the licence will vest in the Licensee any easement or right whatsoever other than the limited and conditional privilege hereby expressly conferred upon the Licensee.

4) The Licensee shall ensure that the primary bridge supports are at all times protected against accidental damage.

5) The Licensee shall permit the Council to inspect the Works or any part thereof after reasonable (24 hours) notice has been given to the Licensee; except in the case of emergency when no notice shall be required.

6) The Licensee shall indemnify the Council against any claim for injury, damage or loss arising out of the grant of this licence except in the case of injury, damage or loss which is attributable to the negligence or act or omission of the Council.

7) The Licensee shall at the Licensee's own expense effect non-structural alterations to the Works in such a manner as the Council may reasonably require if at any time the Council (in exercise of its statutory functions) reasonably considers such work necessary for the purpose of securing the safety of persons using the highway or of preventing interference with traffic thereon

8) If at any time the Works are no longer required, the Licensee must notify the Council in writing to that effect and thereupon, the Licensee must remove the Works.

9) The Licensee shall ensure that the Works are positively drained into the private drainage system of the building and not on to the highway.

10) Valid Public Liability Insurance Cover for a minimum value of £5 million is required for the duration of the licence.

11) No part of the structure is to be occupied for habitation or storage.

12) The Licensee shall permit the Council or its appointed agents to make street lighting or road sign attachments to the underside and/or face of the bridge if deemed necessary by the Council for the safety or convenience of persons or traffic using the highway and any such attachments shall be free of rental charges or similar payments.

13) No advertisement, placard, bill or poster or similar device shall be placed on or attached to the bridge without the prior consent in writing of the Council.

14) Gateshead Council shall be indemnified against any claim, actions, proceedings or loss or damage arising as a result of the presence of any bridge hereby permitted.

Enforcement

In the event of a breach of any breaches including a breach of condition the Council may issue a warning notice and will progress the matter through a graduated enforcement process. For serious or persistent breaches the Council may proceed immediately with a prosecution.

Buildings and projections from buildings.

Buildings which occupy any part of the highway or which project over the highway are regulated by section 177 Highways Act 1980.

Scope

The use of the highway to construct buildings upon or underneath and for buildings to project over must be carefully controlled by the Council. This is to ensure the integrity of the highway is protected, that there is no risk or danger posed to highway users and that the highway is not unduly restricted.

The Council understand that in some circumstances there may be a need for a building to occupy part of the highway or for part of the building to project over the highway. Where a building is to occupy the highway or project over it there are very serious potential risks which must be fully assessed by the Council. The potential risks must be completely mitigated before any consent can be granted. This means that a wide range of information will be required before an application can be considered.

In addition, there will be a need to review licences and consents on a five yearly basis (or such lesser period as Officers consider necessary) to ensure the building or projection continues to be in a condition that is not prejudicial to highway safety. There is also a requirement for an annual inspection for which a fee will be charged.

Note: Canopies and projecting signs are dealt with under a separate section.

Application requirements

The following documents must be submitted for an application to be considered. Any missing or deficient documents will result in the application being invalid.

- Completed application form that includes a signed agreement to adhere to all terms and conditions.
- Evidence of public liability policy for the sum of £5 million or above
- A location plan using an Ordnance Survey Base to a scale of 1:1250
- A scaled vertical sectional drawing showing the Works (building or part of a building) and the street it is proposed to extend under to a scale of not less than 1:200 and not more than 1:50
- A scaled ground floor drawing showing the building line, kerb line and the extent of the Works to a scale of not less than 1:200 and not more than 1:50
- Proof that the Works are permitted development, namely
 - (i) the decision letter, prior approval letter or an appeal inspector's notice in response to an application/appeal under Town and Country Planning Act 1990 for permission to develop, and
 - (ii) a plan listed in that letter or notice which shows the proposed oversail.
- Full details of structural calculations used in the design of the building or projection

- Details of the construction methodology of the building or projection including, where appropriate details of the approved Building Inspector supervising construction
- Any other relevant information considered to be relevant to the particular project being assessed such as for example electrical safety certificates or engineering detailing
- Payment of licence fee for the appropriate sum.

Guidance and requirements

Each case will be assessed on its own merits however some general principles are suggested.

Where part of a building projects over part of a highway that is a footway more than 1 metre from a carriageway it must not be lower in height than 2.4 metres from the height of the highway surface.

Where part of a building projects over part of a highway that is a footway less than 1 metre from a carriageway it must not be lower in height than 5.5 metres from the height of the highway surface.

Where part of a building projects over a carriageway it must not be lower in height than 5.5 metres from the height of the highway surface.

The materials used in the construction of the building or projection should be carefully considered as this will form part of your planning application but must also satisfy the requirements of this licence. Therefore they should be suitably robust so as in the event of deterioration nothing will fall onto the highway.

Means must be provided to prevent rainwater or objects from being discharged or falling onto the highway. All such rainwater shall be intercepted and led into suitable drainage pipes entirely within the building and shall not discharge onto the highway.

Wherever practicable any window incorporated in the works shall be so constructed as to be reversible such that any necessary cleaning operation shall be carried out entirely from within.

Fees

An application for a licence under section 177 for a building on or a projection over the highway for a period of 5 years costs £1250

The renewal of an application for a further 5 years costs £625

The annual inspection fee is £125

The cost to transfer a licence is £25

The payment is claimed pursuant to the Local Authority Transport Regulations 1998, made under the Local Authority and Housing Act 1989.

Standard conditions

1) Where part of a building projects over part of a highway that is a footway more than 1 metre from a carriageway it must not be lower in height than 2.4 metres from the height of the highway surface.

Where part of a building projects over part of a highway that is a footway less than 1 metre from a carriageway it must not be lower in height than 5.5 metres from the height of the highway surface.

Where part of a building projects over a carriageway it must not be lower in height than 5.5 metres from the height of the highway surface

2) The Licensee must keep the structure in good repair.

3) Nothing in the licence will vest in the Licensee any easement or right whatsoever other than the limited and conditional privilege hereby expressly conferred upon the Licensee.

4) The Licensee shall ensure that the primary building supports are at all times protected against accidental damage.

5) The Licensee shall permit the Council to inspect the Works or any part thereof after reasonable (24 hours) notice has been given to the Licensee; except in the case of emergency when no notice shall be required.

6) Gateshead Council shall be indemnified against any claim, actions, proceedings or loss or damage arising as a result of the presence of any building or projection hereby permitted.

7) The Licensee shall at the Licensee's own expense effect non-structural alterations to the Works in such a manner as the Council may reasonably require if at any time the Council (in exercise of its statutory functions) reasonably considers such work necessary for the purpose of securing the safety of persons using the highway or of preventing interference with traffic thereon

8) If at any time the Works are no longer required, the Licensee must notify the Council in writing to that effect and thereupon, the Licensee must remove the Works.

9) The Licensee shall ensure that the Works are positively drained into the private drainage system of the building and not on to the highway.

10) Valid Public Liability Insurance Cover for a minimum value of £5 million is required for the duration of the licence.

11) The Licensee shall permit the Council or its appointed agents to make street lighting or road sign attachments to the underside and/or face of the building if deemed necessary by the Council for the safety or convenience of persons or traffic using the highway and any such attachments shall be free of rental charges or similar payments.

Enforcement

In the event of a breach of any breaches including a breach of condition the Council may issue a warning notice and will progress the matter through a graduated enforcement process. For serious or persistent breaches the Council may proceed immediately with a prosecution.

Beams, cables, wires and pipes along over or across the highway.

Any beam, cable, wire and pipe which crossover or overhang any part of the highway or which projects over the highway are regulated by section 178 Highways Act 1980.

Scope

One of the five constituent components of a street is that it is available for the accommodation of utilities in the wider public interest. The Council note that in some, limited, circumstances additional privately owner facilities and apparatus may be required.

The Council will consider applications to place privately owned beams, cables, wires and pipes along over or across the highway although there will be a presumption against allowing such works unless there are very special circumstances. This is because of the serious implications of allowing such development and the ongoing requirement for inspection and maintenance.

In assessing an application to place a beam, cable, wire and/ or pipe along or across a highway the safety of highway users is the primary issue.

Additionally, the location and position of works will be carefully considered to ensure that it does not result in an obstruction of the highway or an unacceptable inconvenience to highway users.

Application requirements

The following documents must be submitted for an application to be considered. Any missing or deficient documents will result in the application being invalid.

- Completed application form that includes a signed agreement to adhere to all terms and conditions.
- Evidence of public liability policy for the sum of £5 million or above
- A location plan using an Ordnance Survey Base to a scale of 1:1250
- A scaled vertical sectional drawing showing the Works (beam, cable, wire and/ or pipe) and the street it is proposed to extend under to a scale of not less than 1:200 and not more than 1:50
- A scaled ground floor drawing showing the building line, kerb line and the extent of the Works to a scale of not less than 1:200 and not more than 1:50
- Proof that the Works are permitted development, namely
 - (i) the decision letter, prior approval letter or an appeal inspector's notice in response to an application/appeal under Town and Country Planning Act 1990 for permission to develop, and
 - (ii) a plan listed in that letter or notice which shows the proposed development.
- Full details of structural calculations used in the design of the supports for the beam, cable, wire and/ or pipe
- Details of the construction methodology of the beam, cable, wire and pipe including supporting structure and, where appropriate details of the approved Building Inspector supervising construction
- Any other relevant information considered to be relevant to the particular project being assessed such as for example electrical safety certificates or engineering detailing
- Payment of licence fee for the appropriate sum.
- Evidence of a valid wayleave from the "owner" of any land the beam, cable, wire and/ or pipe crosses

Guidance and requirements

Where any part of the beam, cable, wire or pipe extends over part of a highway that is a footway more than 1 metre from a carriageway it must not be lower in height than 2.4 metres from the height of the highway surface.

Where any part of the beam, cable, wire or pipe extends over part of a highway that is a footway less than 1 metre from a carriageway it must not be lower in height than 5.5 metres from the height of the highway surface.

Where any part of the beam, cable, wire or pipe extends over a carriageway it must not be lower in height than 5.5 metres from the height of the highway surface.

If the beam, cable, wire or pipe has a catena (a sag) then the measurements will be taken from the lowest point.

Fees

An application fee for a licence under section 178 for a beam, cable, wire or pipe along or over the highway for a period of 5 years costs £325

The renewal of an application for a further 5 years costs £165

The annual inspection fee is £75

Standard conditions

1) Where any part of the beam, cable, wire or pipe extends over part of a highway that is a footway more than 1 metre from a carriageway it must not be lower in height than 2.4 metres from the height of the highway surface.

Where any part of the beam, cable, wire or pipe extends over part of a highway that is a footway less than 1 metre from a carriageway it must not be lower in height than 5.5 metres from the height of the highway surface.

Where any part of the beam, cable, wire or pipe extends over a carriageway it must not be lower in height than 5.5 metres from the height of the highway surface.

Note: Where the beam, cable, wire or pipe has a catena the heights referred to shall be measured from the lowest part.

2) No support, pole, strut, stay or other apparatus is to be placed on any part of the Highway without prior written approval.

3) No fixtures or fittings of any kind are to be made in, on, or to any street furniture without the prior written approval of the Council.

Note: No attachments will be permitted to be made to any traffic sign or to a lighting column.

4) No electricity shall be conducted by or inside the beam, cable, wire or pipe unless specifically authorised by the licence.

5) Where electricity is to be conducted equipment must have been constructed, and shall be installed, maintained and operated, by a fully competent contractor in full compliance with the current editions of:-

(a) BS 7671 Institution of Electrical Engineers Regulations for Electrical Installations.

(b) Code of Practice for Electrical Safety in Highway Lighting Operations.

(c) The Electricity Supply Regulations.

(d) The Electricity at Work Regulations.

The electrical installation should be installed to the same standards as a permanent installation

Cable supports must be so arranged that there is no appreciable mechanical strain on any cable termination or joint.

Any plugs, sockets and connectors shall comply fully with BS EN 60309-2:1998 and shall have an IP rating of not less than IP 67 according to BS EN 60529:1992 unless housed within a weatherproof enclosure with an IP rating of not less than IP 67.

5) Valid Public Liability Insurance Cover for a minimum value of £5 million is required for the duration of the licence.

6) Gateshead Council shall be indemnified against any claim, actions, proceedings or loss or damage arising as a result of the presence of any beam, cable, wire or pipe hereby permitted.

7) The Council reserves the right to vary the conditions of the licence at any time during the period the permit is effective

8) The Licensee must keep the beam, cable, wire or pipe, including the supporting structure in good repair.

9) Nothing in this licence will vest in the Licensee any easement or right whatsoever other than the limited and conditional permission hereby expressly conferred upon the Licensee.

10) The Licensee shall ensure that the supports structure is at all times protected against accidental damage.

11) The Licensee shall permit the Council to inspect the Works or any part thereof after reasonable (24 hours) notice has been given to the Licensee; except in the case of emergency when no notice shall be required.

Enforcement

In the event of a breach of any breaches including a breach of condition the Council may issue a warning notice and will progress the matter through a graduated enforcement process. For serious or persistent breaches the Council may proceed immediately with a prosecution.

Projecting signs, canopies, shutter housing and other minor projections over the highway

Any projecting signs, canopies or other minor projections which overhang any part of the highway or which projects over the highway are regulated by section 178 Highways Act 1980

Scope

The provision of canopies, projecting signs or other minor projections over the highway such as CCTV cameras or roller shutter housing require consent from the Council.

Commercial premises often wish to advertise their business by utilising signs which project over the highway. Similarly some premises wish to have a canopy which overhangs the highway to shade the premises, goods or customers. In other circumstances minor projections from buildings, over the highway, can include the housing from roller shutters, flagpoles or extraction equipment such as flues.

The Council recognise the benefits that some of the above can provide together with the requirements of others such as shutters for security purposes.

Application requirements

The following documents must be submitted for an application to be considered. Any missing or deficient documents will result in the application being invalid.

- Completed application form that includes a signed agreement to adhere to all terms and conditions.
- Evidence of public liability policy for the sum of £5 million or above
- A location plan using an Ordnance Survey Base to a scale of 1:1250
- A scaled vertical sectional drawing showing the Works (projecting sign or canopy) and the street it is proposed to extend under to a scale of not less than 1:200 and not more than 1:50
- A scaled ground floor drawing showing the building line, kerb line and the extent of the Works to a scale of not less than 1:200 and not more than 1:50
- Proof that the Works are permitted development, namely
 - (i) the decision letter, prior approval letter or an appeal inspector's notice in response to an application/appeal under Town and Country Planning Act 1990 for permission to develop, and
 - (ii) a plan listed in that letter or notice which shows the proposed development.
- Full details of structural calculations used in the design of the canopy or projecting sign
- Details of the construction methodology of the canopy or projecting sign including, where appropriate details of the approved Building Inspector supervising construction
- Any other relevant information considered to be relevant to the particular project being assessed such as for example electrical safety certificates or engineering detailing
- Payment of licence fee for the appropriate sum.

Guidance and requirements

A sign or structure such as a canopy projecting over the footway will need a minimum vertical clearance of 2.4 metres to the underside when measured from the highway surface and a minimum horizontal clearance of 1 metre from the edge of the carriageway .

Where a canopy or projecting sign is closer than 1 metre to the carriageway or over a carriage way there must be a minimum of 5.5 metres to the underside of the projection.

The design of the projection must be such so as not to unduly distract highway users.

The design of the protection must not have any part that will interfere with or cause a nuisance to highway users.

Fees

An application for a licence under section 178 for a projecting sign or canopy over the highway for a period of 5 years costs £275

The renewal of an application for a further 5 years costs £125

The annual inspection fee is £75

Standard conditions

1) Where a sign, canopy or other projection projects over part of a highway that is a footway more than 1 metre from a carriageway it must not be lower in height than 2.4 metres from the height of the highway surface.

Where a sign, canopy or other projection projects over part of a highway that is a footway less than 1 metre from a carriageway it must not be lower in height than 5.5 metres from the height of the highway surface.

Where a sign, canopy or other projection projects over a carriageway it must not be lower in height than 5.5 metres from the height of the highway surface

2) The Licensee must keep the structure in good repair.

3) Nothing in the licence will vest in the Licensee any easement or right whatsoever other than the limited and conditional privilege hereby expressly conferred upon the Licensee.

4) The Licensee shall ensure that the primary supports to the projection are at all times protected against accidental damage.

5) The Licensee shall permit the Council to inspect the Works or any part thereof after reasonable (24 hours) notice has been given to the Licensee; except in the case of emergency when no notice shall be required.

6) The Licensee shall indemnify the Council against any claim for injury, damage or loss arising out of the grant of this licence except in the case of

injury, damage or loss which is attributable to the negligence or act or omission of the Council.

7) The Licensee shall at the Licensee's own expense effect non-structural alterations to the Works in such a manner as the Council may reasonably require if at any time the Council (in exercise of its statutory functions) reasonably considers such work necessary for the purpose of securing the safety of persons using the highway or of preventing interference with traffic thereon

8) If at any time the Works are no longer required, the Licensee must notify the Council in writing to that effect and thereupon, the Licensee must remove the Works.

9) Valid Public Liability Insurance Cover for a minimum value of £5 million is required for the duration of the licence.

10) Where the projection is connected to any electricity supply the Licensee shall have the projection inspected on an annual basis by a competent electrician and shall obtain written confirmation that the projection is in a safe condition. This certification shall be made available within 24 hours of a request being made for it.

11) The Council reserves the right to vary the conditions of the permit at any time during the period the permit is effective

12) Unless the projection is itself an advertisement, no advertisement, placard, bill or poster or similar device shall be placed on or attached to the projection without the prior consent in writing of the Council.

Enforcement

In the event of a breach of any breaches including a breach of condition the Council may issue a warning notice and will progress the matter through a graduated enforcement process. For serious or persistent breaches the Council may proceed immediately with a prosecution.

Buildings under the highway (“vaults or cellars”)

The construction of cellars or vaults under or adjacent to the Highway is regulated by section 179 Highways Act 1980

Scope

The provision of a cellar or vault underneath a building that either is adjacent to the highway or which encroaches underneath the highway requires permission.

The Council recognise in some circumstances it may be necessary or desirable to have a subterranean element to a building and that on occasions this element may be underneath or adjacent to a highway.

In these circumstances the main consideration is to ensure that highway safety is not prejudiced by virtue of the structural integrity of the highway being compromised by subterranean collapse.

Application Requirements

The following documents must be submitted for an application to be considered. Any missing or deficient documents will result in the application being invalid.

- Completed application form that includes a signed agreement to adhere to all terms and conditions.
- Evidence of public liability policy for the sum of £5 million or above
- A location plan using an Ordnance Survey Base to a scale of 1:1250
- A scaled or dimensioned plan in the horizontal plan showing the width of the encroachment under the highway and the plan layout of the building or part of the building including access and egress points. The plan should be to a scale of not less than 1:200 and not more than 1:50.
- a scaled vertical section plan showing the lateral encroachment of the vault or cellar underneath the highway. The plan should be to a scale of not less than 1:200 and not more than 1:50
- a scaled vertical section plan showing the vertical depth of the vault or cellar underneath the highway. The plan should be to a scale of not less than 1:200 and not more than 1:50
- Structural calculations as to the method of support of the highway above the vault or cellar
- A detailed construction methodology including the methods for excavation, method for temporary support and the method of construction of the permanent supporting structure
- Proof that the Works are permitted development, namely
 - (i) the decision letter, prior approval letter or an appeal inspector's notice in response to an application/appeal under Town and Country Planning Act 1990 for permission to develop, and
 - (ii) a plan listed in that letter or notice which shows the proposed development.
- Payment of licence fee for the appropriate sum.

Guidance and requirements

A detailed structural design must be submitted at the time of making the application. This must include calculations demonstrating adequate support of the highway. Building Regulation approval will also be required and the approval should be submitted together with details of planning consent or written confirmation that consent is not required.

The materials used in the construction of the building or projection should be carefully considered as this will form part of any planning application but must also satisfy the requirements of this licence. Therefore they should be suitably robust so as in the event of deterioration there will be no risk of structural failure.

Consideration should also be given to drainage as for example pumps used to keep a cellar or vault clear of rainwater will not be permitted to discharge onto the highway.

There will clearly be some interruption to the use of the highway during construction. This should be carefully considered as part of the preparation of the scheme so as to minimise disruption to highway users.

You should consider the need for a licence to authorise an opening, pavement lights or ventilators under section 180 Highway Act 1980.

Fees

An application for a licence under section 179 for a building (cellar or vault) under the highway for a period of 5 years costs £1250

The renewal of an application for a further 5 years costs £625

The annual inspection fee is £125

The cost to transfer a licence is £25

Standard conditions

- 1) The Owner shall not at any time during the construction, use, repair, removal or filling of the vault or cellar interfere with the convenience of the highway user or undertaker, and at all times must comply with the requirements of the Council. Any obstruction of the highway will require a separate licence; presently such a licence is issued under section 169 or 171 of the Highways Act 1980.
- 2) The Owner must bear the cost of the highway reinstatement works after the construction, removal, repair or filling of the vault or cellar, which reinstatement works shall be carried out by the Council.
- 3) The Owner must at all times and at the Owner's expense keep the vault or cellar in good repair and ensure that the vault or cellar structure supports the highway above the vault or cellar at all times.
- 4) The Owner must give notice of the vault or cellar to all statutory undertakers and utility companies more than 28 days before any works are begun.

- 5) The Owner must make arrangements for all diversions and alterations to apparatus of statutory undertakers or utility companies, needed for the construction of the vault or cellar.
- 6) The vault or cellar shall be deemed to exist at their sole risk of the Owner and the Owner shall at all times keep indemnified the Council against all proceedings in respect of any injury, accident or damage which may be sustained by any person or property by reason directly or indirectly of the existence, construction, use, repair, removal or filling of the vault.
- 7) Valid Public Liability Insurance Cover for a minimum value of £5 million is required for the duration of the licence.
- 8) The Licensee shall permit the Council to inspect the Works or any part thereof after reasonable (24 hours) notice has been given to the Licensee; except in the case of emergency when no notice shall be required.
- 9) No alterations, extensions or deviations from the approved plans shall be carried out without the prior written approval of the Council.

Enforcement

In the event of a breach of any breaches including a breach of condition the Council may issue a warning notice and will progress the matter through a graduated enforcement process. For serious or persistent breaches the Council may proceed immediately with a prosecution.

Openings into cellars etc. under streets, and pavement lights and ventilators.

Openings into cellars, pavement lights and openings in the highway are regulated by section 180 Highways Act 1980

Scope

The provision of a cellar light or ventilator in the surface of a highway requires consent.

Where a cellar or vault exists under a building there is often a desire to have it lit by natural light and ventilated, there may also be a need to have access from the highway surface. These may also be a requirement of the Building Regulations.

In recognition of this the Council will licence openings in the highway to achieve these aims. However, there are serious implications connected to creating openings in the highway surface in respect of safety. Any opening must be properly designed and must be fit for purpose to support highway users without any risk, obstruction or inconvenience.

Therefore any application must be accompanied by detailed drawings and structural calculations to demonstrate that the proposal is safe.

Application requirements

The following documents must be submitted for an application to be considered. Any missing or deficient documents will result in the application being invalid.

- Completed application form that includes a signed agreement to adhere to all terms and conditions.
- Evidence of public liability policy for the sum of £5 million or above
- A location plan using an Ordnance Survey Base to a scale of 1:1250
- A scaled or dimensioned plan in the horizontal plan showing the displacement of the cellar/ pavement light/ opening, the location of the vertical section to be submitted as required below, the boundary of the underground premises to where it provides access and the outer face of the ground floor external wall of the building it fronts. To a scale of not less than 1:200 and not more than 1:50.
- a scaled vertical section plan showing the displacements of the cellar/ pavement light/ opening, the frame in which it is to be set, its supporting structure and the soffit and boundary wall of the underground premises to where it provides access. To a scale of not less than 1:200 and not more than 1:50
- Payment of licence fee for the appropriate sum.

Guidance and requirements

The maximum permitted width of an opening depends on the width of the existing footway and is shown below.

Maximum size for Pavement Lights or Ventilators

Pavement width	Maximum Allowable Projection
Not exceeding 400 millimetres	the width of the pavement excl. kerb
Not exceeding 1.00 m	400 millimetres
Not exceeding 2.50 m	500 millimetres
2.50 metres or greater	600 millimetres

A grate style opening will not usually be acceptable.

There will clearly be some interruption to the use of the highway during construction. This should be carefully considered as part of the preparation of the scheme so as to minimise disruption to highway users.

You should consider the need for a licence to authorise the construction of a cellar or vault under section 179 Highway Act 1980.

Fees

An application for a licence under section 180 for a cellar light or ventilator in the highway for a period of 5 years costs £250

The renewal of an application for a further 5 years costs £125

The annual inspection fee is £75

The cost to transfer a licence is £25

Standard conditions

1) Pavement lights or smoke ventilators may not open into the street and the maximum width permitted depends on the width of the existing footway and is shown below.

Pavement width	Maximum Allowable Projection
Not exceeding 400 millimetres	the width of the pavement excl. kerb
Not exceeding 1.00 m	400 millimetres
Not exceeding 2.50 m	500 millimetres
2.50 metres or greater	600 millimetres

2) The Owner must at all times and at the Owner's expense keep the ventilator or cellar light in good repair and ensure that the ventilator or cellar light is in a safe condition at all times.

4) The Owner must give notice of the installation of the ventilator or cellar light to all statutory undertakers and utility companies more than 28 days before any works are begun.

5) The Owner must make arrangements for all diversions and alterations to apparatus of statutory undertakers or utility companies, needed for the construction of the ventilator or cellar light.

6) The ventilator or cellar light shall be deemed to exist at their sole risk of the Owner and the Owner shall at all times keep indemnified the Council against all proceedings in respect of any injury, accident or damage which may be sustained by any person or property by reason directly or indirectly of the existence, construction, use, repair, removal or filling of the vault.

- 7) Valid Public Liability Insurance Cover for a minimum value of £5 million is required for the duration of the licence.
- 8) The Licensee shall permit the Council to inspect the Works or any part thereof after reasonable (24 hours) notice has been given to the Licensee; except in the case of emergency when no notice shall be required.
- 9) The design, style and form of the ventilator or cellar light shall not be changed without prior written approval from the Council.

Enforcement

In the event of a breach of any breaches including a breach of condition the Council may issue a warning notice and will progress the matter through a graduated enforcement process. For serious or persistent breaches the Council may proceed immediately with a prosecution.

Appendix 1

Application form

Appendix 2

Potential Consultees

Building Control
Development Management (including Council's Arboricultural Officer)
Licensing
Historic Environment Team
Highway Maintenance
Ground's Maintenance and Waste Services Team
Transport Strategy
 Engineering Team
 Network Management Team
 Development Team
Parking Services
Tyne and Wear Fire and Rescue
Northumbria Police
Utility Companies
Environmental Health
Health and Safety Team

Appendix 3

Skip membership scheme

Appendix 4

Skip guidance notes