

# Guidance notes and application for a licence to assemble and use a mobile tower on the highway

(Highways Act 1980-Section 169)

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Produced in consultation with;

**The Health & Safety Executive**

**The Highway Authority**

**The National Traffic Managers Forum**

**PASMA, the Prefabricated Access Suppliers & Manufacturers Association**



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## PART 1 – GUIDANCE NOTES

### INTRODUCTION

In accordance with section 169 of the Highways Act 1980 (see Appendix A) a licence for the placement of a scaffolding (short term or otherwise) must be obtained from the Highway Authority.

These same principles and requirements relating to scaffolding also apply to a mobile tower.

Mobile towers are structures assembled using prefabricated modular components in conformance to the product standard EN1004 where the dimensions are fixed by the design. Mobile towers in accordance with EN1004 are capable of being used freestanding and have one or more working platforms. Structures outside of the scope of EN1004 but using the same components are specified in BS1139 Part 6.

Mobile towers are capable of being moved manually on firm and level ground. Whilst this guidance refers to “mobile” towers, these structures may also be built on base plates rather than wheels for reasons of safety or when it is not necessary to move the completed structure.

Whilst the Highways Act does not define a “highway” it may be considered to be a way over which the public have a right to pass and re-pass and which may or may not be publicly maintained. Normally the highway consists of a carriageway, footway (pavement) and verge but it can also be a footpath, bridleway or cycleway.

These guidance notes have been produced to assist:

- licence applicants
- local highway authorities issuing licences

A licence is issued to the company responsible for the management of the mobile tower for the duration specified in the licence. The duration specified in the licence should include any time necessary to assemble alter or dismantle the mobile tower.

If a mobile tower contractor<sup>1</sup> is employed to assemble, alter, or dismantle a mobile tower but they are not responsible for the management and use of the tower, then it is their client who should apply for the licence. A mobile tower contractor would not normally be the licence applicant unless they are engaged directly by a householder who is undertaking the work themselves. The details of the appointed mobile tower contractor should be included in the licence application.

A copy of a current and appropriate level PASMA certificate or alternative evidence of suitable competence<sup>2</sup> of the persons who will be designing, supervising, assembling, dismantling and inspecting the tower, should accompany the application for a licence.

Part 2 of this guidance contains a suitable licence for a mobile tower situated on the highway.

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<sup>1</sup> e.g. a PASMA approved Hire & Assembly member

<sup>2</sup> in accordance with the Work at Height Regulations 2005

## **1. DESIGN**

1. The mobile tower should be assembled in conformity to a generally recognised standard configuration detailed in the manufacturers' instruction manual.
2. In accordance with Schedule 3 Part 2 section 7b of the Work at Height Regulations 2005, if the mobile tower is not assembled in conformity to a generally recognised standard configuration (detailed in the manufacturers' instruction manual) then an individual design including strength and stability calculations should be prepared and an assembly, use and dismantling plan drawn up by a competent person.
3. The mobile tower should be designed in accordance with EN1004 and/or BS1139 part 6. Mobile towers designed and constructed in accordance with EN1004 may have platform heights up to 8m outdoors and 12m indoors. Greater heights are possible when the mobile tower is tied to a suitably strong and stable adjoining structure.
4. Stabilisers, ballast or mobile outriggers should be fitted to the mobile tower in accordance with manufacturer's instructions. In accordance with the PASMA Code of Practice, whenever possible a mobile tower should be tied to a suitably strong and stable adjoining structure.

## **2. ASSEMBLY, MOVEMENT, ALTERATION AND DISMANTLING**

5. In order to satisfy the requirements of the Work at Height Regulations 2005, the person or appointed mobile tower contractor (who is responsible for the assembly, alteration and dismantling of the mobile tower) should carry out a risk assessment and formulate a plan of work compliant with the recommendations and systems of work detailed in PASMA training, the current PASMA Code of Practice and HSE guidance document CIS10. The risk assessment should be written down and should be available to any other parties working on or near the tower.
6. On each site there must be an appropriate number<sup>3</sup> of PASMA trained operatives<sup>4</sup> with an appropriate level training card, competent to assemble, alter and dismantle the type and form of mobile tower that is to be used. Under no circumstances should a person who is not competent (unless under training and direct supervision by a competent person), assemble, move, alter or dismantle a mobile tower).
7. The mobile tower must be assembled, altered and dismantled in a safe manner using one of the methods detailed in the PASMA Code of Practice and HSE guidance CIS10.
8. Once assembled and prior to first use, the mobile tower should be inspected by a competent person who should complete a written report in accordance with the Work at Height Regulations 2005. The results of the inspection including any faults found should be recorded on the report which should clearly show if the tower is or is not fit for use. The report should be securely affixed to the tower in the form of notice (e.g. a tag) in a clearly visible location.

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<sup>3</sup> as specified in the tower manufacturers instruction manual or in the assembly, use and dismantling plan (see section 1 paragraph 2) and the plan of work and risk assessment (see section 2 paragraph 5)

<sup>4</sup> or persons with appropriate alternative training and evidence of suitable competence

9. If the mobile tower is to be in place for more than 7 days it should be re-inspected within the 7 days and a new inspection report written. It should then be re-inspected and a new inspection report written within 7 day intervals until it is dismantled.
10. Additionally, the mobile tower should be re-inspected and a written report completed whenever it has been significantly altered or following any event liable to jeopardise the safety of the mobile tower.
11. Daily safety pre-checks should also be undertaken by a competent person using the mobile tower to ensure that it has not been tampered with or otherwise damaged since its last use.
12. It is not necessary to re-inspect and report when a mobile tower is moved at the same location without significant alteration and nothing occurs which is liable to jeopardise the safety of the tower.
13. The frames at the base of the tower should be fitted with either wheels<sup>5</sup> or base plates<sup>6</sup>. Where required suitable sole boards should be placed beneath them to the satisfaction of the local highway authority.
14. Mobile towers should be moved in accordance with the PASMA Code of Practice.
15. To prevent unauthorised access/use all lower access to the mobile tower should be removed or suitably and sufficiently covered.
16. Partially constructed or incomplete mobile towers must have a notice with the warning “Do Not Use - Tower Incomplete” affixed conspicuously at the base level.
17. If left overnight, complete and incomplete mobile towers must be lit as specified in section 5 of this guidance and measures taken to deter any unauthorised or malicious use of the tower.
18. The licensee must implement any measures that the local highway authority or a statutory undertaker<sup>7</sup> reasonably requests for the purpose of protecting or giving access to any apparatus belonging to or used or maintained by them.
19. The mobile tower must be dismantled and fully removed from the highway as soon as it is no longer required and/or when the licence expires.

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<sup>5</sup> when it is intended to move the tower in the course of the works and the ground conditions permit the use of castor wheels

<sup>6</sup> when it is not intended to move the tower in the course of the works and/or when the ground conditions require the use of base plates

<sup>7</sup> bodies formed by statute and having legal duties to provide services such as gas, electricity or water

### 3. PROTECTING THE PUBLIC

20. Whenever possible mobile towers, and particularly those to be located in normally busy public areas, should be assembled, altered and dismantled at quiet times of the day or days when there will be a reduced public presence on the highway<sup>8</sup>.
21. Consideration must be given to suitable systems, which safely separate pedestrians from any hazards (created by the assembly, use, alteration and dismantling of the mobile tower) and provide sufficient safe passage for people using wheelchairs and those with prams or pushchairs.
22. Suitable and sufficient measures must be taken to prevent any highway user from being struck by falling components, tools, debris, materials or other objects during assembly, use, alteration and dismantling of mobile towers. This may include the installation of a protective structure – see section 4.
23. It is not recommended to sheet or net mobile towers to prevent the fall of components, tools, debris, materials or other objects. This factor should be taken into consideration when assessing the suitability of a mobile tower for the work to be undertaken.
24. The verticals of mobile tower frames should be covered with hi-visibility black and yellow stripe foam padding or black and yellow stripe hazard tape, for the first 2.00 metres above the footway or carriageway. Warning signs with the legend 'DANGER – MEN WORKING ABOVE' (or similar) must be displayed at the base of the mobile tower.
25. All reasonable precautions must be taken to ensure the safety of the pedestrians during the works<sup>9</sup>. Appropriate fencing should be installed to segregate pedestrians from the mobile tower and any stabilisers or outriggers.
26. Particular consideration should be given to the needs of children, elderly people and people with disabilities, having particular regard for the visually impaired. For example;
  - for people using wheelchairs and those with prams or pushchairs, the provision of appropriate ramps over obstructions rather than steps
  - the installation of tapping boards to assist the visually impaired.
27. Adequate width and height must be maintained for the safe passage of footway users. A minimum 1.2m clear width<sup>10</sup> of footway should be provided around the mobile tower (including any stabilisers or outriggers). See Figure 2a. Where this is not possible mobile towers may be constructed with pedestrian walk through or high clearance frames.

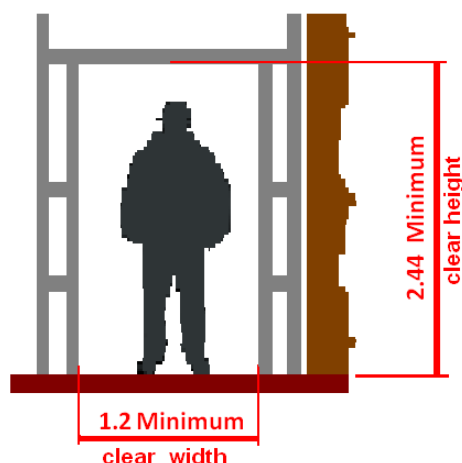
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<sup>8</sup> a licence may specify the specific hours or days during which the assembling, use, alteration and dismantling must take place

<sup>9</sup> see HSE Guidance 'Protecting the Public – your next move' HSG151

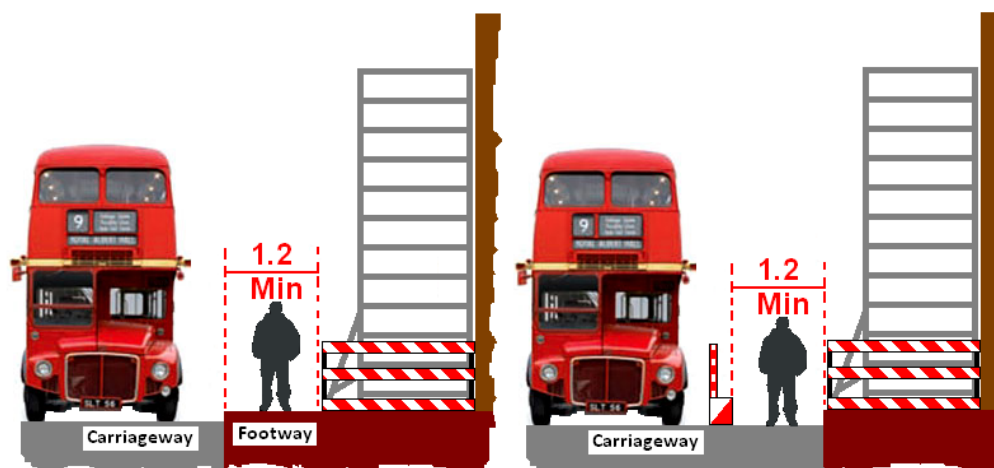
<sup>10</sup> clear width means without obstructions such as bollards, lighting columns, signposts, walls, seating etc.

28. Mobile towers with pedestrian walk through or high clearance frames should be constructed in a manner to provide a minimum head room of 2.44m above the footway with a minimum clear width<sup>10</sup> of 1.2m. See Figure 1



**Figure 1 Minimum dimensions for walk through and high clearance frames**

29. If a minimum clear width<sup>10</sup> of 1.2m of existing footway is not available around the mobile tower (including any stabilisers or outriggers) and proper and safe provision cannot be made for pedestrians to pass safely beneath the mobile tower (using pedestrian walk through or high clearance frames) then an adequately signed temporary footway of minimum 1.2m clear width<sup>10</sup> should be provided around the mobile tower (including any stabilisers or outriggers). Measures should be taken to segregate pedestrians using the temporary footway from any adjacent carriageway and vehicular traffic. See Figure 2b.



**Figure 2a  
1.2m minimum footway width**

**Figure 2b  
Temporary footway**

30. No mobile tower components may be stored on the footway or carriageway which should be kept clear for pedestrians and vehicle traffic. Measures should be taken to segregate the public from the area of work where the mobile tower components are deposited, assembled, altered or dismantled. Allowance may be necessary in the segregation measures for the storage of components, tools or materials intended for the work to be carried out from the mobile tower.

31. Any fallen components, tools, debris, materials or other objects must immediately be removed from the footway or carriageway.
32. Wherever practicable, mobile towers (including any stabilisers, outriggers or cantilever platforms) or any protective structure (see section 4) should be kept back a minimum of 450mm measured horizontally from any adjacent carriageway edge, up to a height of 5.05m, measured vertically from the kerb or the highest point of the carriageway surface (whichever is the higher). See Figure 3a
33. If any part of the mobile tower (including any stabilisers or outriggers) or any protective structure (see section 4) is;
  - a) closer than<sup>11</sup> 450mm to the carriageway edge
  - b) or considered to be susceptible to contact with vehicle traffic;
 then an appropriately secure and robust vehicle barrier should be installed between the mobile tower (including any stabilisers or outriggers) or any protective structure and the carriageway. See Figure 3b. The vehicle barrier should be fitted with warning signs and painted or otherwise marked for high visibility for carriageway users. The vehicle barrier should be lit in accordance with section 5 of this guidance.



**Figure 3a**  
Minimum 0.45 to edge carriageway

**Figure 3b**  
Vehicle barrier

34. A secure and clearly visible notice should be attached to the mobile tower with emergency contact details of the person or company responsible for the management and use of the mobile tower and (if applicable) the emergency contact details of the mobile tower contractor.

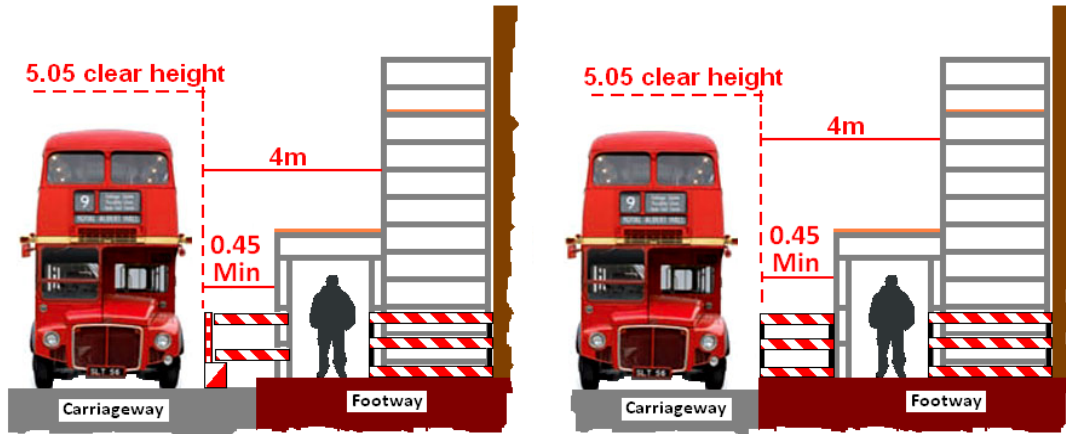
#### 4. PROTECTION STRUCTURES and PROTECTION ZONES

35. Where there is risk of components, tools, debris, materials, or other objects being dropped from the mobile tower onto pedestrians or vehicle traffic, a protection structure or protection zone should be provided.

<sup>11</sup> with the agreement of the Highway Authority



36. Because mobile towers are not designed to support fans, sheeting or netting, these types of protection should not be used. In these circumstances, a suitably constructed self-supporting protection structure should be designed and built around the mobile tower. The design of a protection structure should be fit for purpose dependent on individual site requirements.
37. The protection structure or protection zone should extend over an area 4m horizontal distance around the mobile tower. See Figure 4.

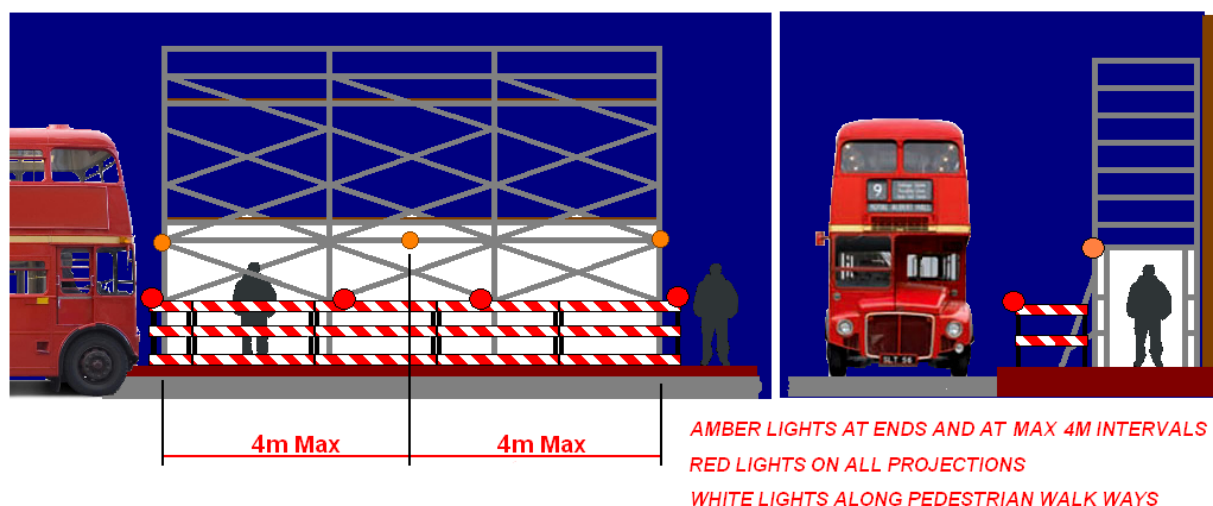


**Figure 4 Protection structures and protection zones**

38. A protection structure should be installed as soon as is practicable and remain in-situ during the assembly, use, alteration and dismantling of the mobile tower.
39. A protection structure over a carriageway should provide a minimum clear vertical height of 5.05m to accommodate vehicle traffic. The 5.05m level should be measured from the kerb or the highest point of the carriageway surface (whichever is the higher).
40. A protection structure over a footway should provide a minimum clear vertical height of 2.44m to accommodate pedestrian traffic only. This should be increased to 5.05m if there is a possibility of vehicles over running the footway.
41. The protection structure should be lit in accordance with section 5 of this guidance.

## **5. LIGHTING ARRANGEMENTS**

42. The mobile tower and any protection structure or vehicle barrier should be adequately lit, from half an hour before sunset to half an hour after sunrise. They should be lit at each end and at 4m horizontal intervals with steady amber warning lights. All projections should have red warning lights. See figure 5.
43. A mobile tower using pedestrian walk through or high clearance frames or a protective structure over a footway should have adequate white lights underneath for the safe passage and security of pedestrians.



**Figure 5 Lighting arrangements**

## 6. TRAFFIC MANAGEMENT

44. Traffic management issues such as the use of temporary traffic signals and temporary road closures should be discussed and agreed with the local highway authority. Extra restrictions may be imposed by the local highway authority on routes designated as traffic sensitive.
45. The licensee should comply with Chapter 8 of the Traffic Signs Regulations and General Directions 2002 (TSRGD), together with such other conditions as the local highway authority may require. A requirement when carrying out any work on the highway is that the works are adequately signed, guarded and lit as stipulated in the 'Safety at Street Works and Road Works Code of Practice.
46. To meet the traffic management standards, personnel involved in traffic management should be trained and accredited in the 'Signing, lighting and guarding' module as prescribed in the New Roads and Street Work Act 1991. For minor traffic management a company should have at least one Accredited Supervisor (who does not have to be permanently on site). For major traffic management all operatives engaged in setting the system up on the highway should be Street Works Accredited in 'Signing, Lighting and Guarding'.
47. The issuing of the licence does not exempt any contractors' vehicle from any existing traffic regulation order during the course or assembly, use, alteration or dismantling or other activity. Where appropriate and necessary, an application to suspend the existing traffic regulation order should be made to the local highway authority.

## 7. MAINTENANCE OF THE MOBILE TOWER

48. During the period in which the mobile tower is allowed to stand, the mobile tower and any protective structure or vehicle barrier should be maintained in good order and condition.
49. The mobile tower should be inspected in accordance with paragraphs 8 to 13 of this guidance.
50. A regular cleansing regime beneath and around the mobile tower and any protective structure should be implemented to keep the highway clean. The licensee is responsible for ensuring that the mobile tower and any protective structure are kept free from fly posting and graffiti. Any occurrences must be removed within 48 hours.

51. A duplicate copy of the licence should be kept on site at all time during which the mobile tower is at the location and must be readily available for inspection by authorised officers upon demand.

## **8. REMOVAL OF THE MOBILE TOWER**

52. At the expiration of the time for which the licence is granted, or when the work for which this consent is granted, is completed, or if the consent is revoked, whichever is first, the mobile tower (and any protective structure or vehicle barrier) should be immediately dismantled and removed.
53. Under no circumstances should mobile tower components, materials or tools be dropped from the tower during assembling, alteration, use and dismantling. Components, materials and tools should be carried or passed down, or lowered in a controlled manner following any instructions in the tower manufacturer's instruction or the assembly, use and dismantling plan.
54. Upon removal of the mobile tower (and any protective structure or vehicle barrier) the highway will be inspected and any damage caused by the assembly, use, alteration, movement or dismantling of the mobile tower (and any protective structure or vehicle barrier) will be made good by the local highway authority at the expense of the licensee in accordance with the provisions of section 133 of the Highways Act 1980. To enable any damage to the highway to be assessed the applicant should undertake a dilapidation survey prior to the assembly of the mobile tower (and any protective structure or vehicle barrier).
55. The local highway authority should have the right to revoke the licence at any time by appropriately served notice if any of the conditions subject to which the licence is granted are not complied with and the licensee should forthwith remove the mobile tower (and any protective structure or vehicle barrier). In default, and after giving notice, the local authority may themselves remove the mobile tower (and any protective structure or vehicle barrier) and any reasonable expenses incurred by the local authority in doing so shall be recoverable from the licensee. It should be noted that failure to comply with conditions set by the local highway authority may lead to a fine of up to £5000 being imposed under (s169(5) of the Highways Act 1980).

## **9. INSURANCE – PUBLIC / EMPLOYERS LIABILITY**

56. Public Liability Insurance giving minimum cover of £5M for mobile towers is required. However, it may be noted that the local authority reserves the right to increase these amounts if it is considered that the site location requires a higher degree of cover. The licensee should be notified if this is the case and proof of the increased cover required before the licence is granted.
57. Where a mobile scaffolding contractor directly employs operatives for the purpose of building mobile towers, Employees Liability Insurance giving a minimum cover of £10M is required. However, it may be noted that the Local Authority reserves the right to increase these amounts if it is considered that the site location requires a higher degree of cover. The licensee should be notified if this is the case and proof of increased cover required before the licence is granted.

## 10. MISCELLANEOUS

58. Unique Street Reference Numbers (USRNs) are obtained from the National Street Gazetteer. The local Highway Authority will provide these numbers on request.
59. Where the local Highway Authority is also the Permit Authority in respect to Part 3 of the Traffic Management Act 2004, a further permit may be required.
60. Further separate licences must be applied for where the licensee intends to install a hoarding, place a skip on the highway and / or place building materials on the highway.

## 11. REFERENCES

Highways Act: 1980: <http://www.statutelaw.gov.uk>

New Roads & Street Work Act: 1991: <http://www.statutelaw.gov.uk>

Traffic Management Act: 2004: <http://www.statutelaw.gov.uk>

Chapter 8 Traffic Signs manual:

<https://www.gov.uk/government/publications/traffic-signs-manual>

Safety at Street Works & Road Works Code of Practice:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/4388/safety-street-works-code.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/4388/safety-street-works-code.pdf)

**Please turn to page 13 for Part 2 – TEMPLATE FOR AN APPLICATION FOR A LICENCE FOR A MOBILE TOWER ON THE PUBLIC HIGHWAY**

## **PART 2 – TEMPLATE FOR AN APPLICATION FOR A LICENCE FOR A MOBILE TOWER ON THE PUBLIC HIGHWAY**

### **INTRODUCTION**

The following application form is intended for use by any authority that issues licences or permits for mobile towers on the public highway. Certain criteria may be altered if local conditions differ from that stipulated.

This application is for a licence to occupy the public highway. The applicant will be responsible for ensuring that the mobile tower is designed in compliance with EN1004 and/or BS1139 Part 6 and is assembled, altered and dismantled in accordance with the PASMA Code of Practice and the Work at Height Regulations 2005. A licence to assemble or retain a mobile tower is issued to the company responsible for the management and use of the mobile tower whilst it remains in-situ.

Note: A mobile tower contractor<sup>12</sup> would not normally be the applicant unless they are engaged directly by a householder who is undertaking the work themselves.

A minimum of 7<sup>13</sup> working days' notice is required for a licence to be issued (note: this period may be extended when a site visit is required). In emergency situations, the Applicant is required to contact the Local Authority by telephone for permission for emergency works using a mobile tower situated on the highway.

The application form has 3 sections:

Section A – Application

Section B – Site Specific Information

Section C – Terms & Conditions of Licence

Section D - Administration

### **GENERAL INFORMATION**

1. If the licensee objects to any of the terms & conditions of the licence, the licensee may appeal to a Magistrates' Court within 21 days of the date of receipt of the licence.
2. Where applicable, a site meeting should take place between the local authority, the applicant and the mobile tower contractor prior to submitting the application.
3. The licensee is reminded that it is their responsibility to ensure that the mobile tower and any protection structure, is structurally sound, is properly assembled (to current standards) and maintained, and that adequate provision is made for the safe passage of highway users.
4. Work may not commence until the date specified on the licence and should be carried out within any specific limitations of time and date.
5. When submitting an application, if that application extends beyond the currency of the public liability insurance certificate, the licence will be issued up to the end date of the certificate. A new certificate will need to be submitted before an extension will be considered to maintain the mobile tower on site. You will not be reminded that your certificate is due for renewal.

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<sup>12</sup> e.g. a PASMA Approved Hire & Assembly member

<sup>13</sup> Local variations may apply and may be edited accordingly by the local Highway Authority.

6. In emergency situations where a mobile tower is required immediately, the applicant should contact the authority by telephone to request verbal consent to assemble and use a mobile tower on the highway to carry out the emergency works. The applicant should then make an application in writing as soon as practicable.

**SECTION A (PLEASE USE BLOCK LETTERS WHEN COMPLETING THIS APPLICATION)**

<p><b><u>Details of Applicant</u></b> (the person or company responsible for the management and use of the mobile tower)</p> <p>Company Name:          Contact Name:          Company Address:</p> <p>Telephone (office hours):          Emergency Telephone (outside office hours):          Email Address:          Fax No:</p> <p><b><u>Details of Mobile Tower Contractor</u></b> (if applicable)</p> <p>Company Name:          Contact Name:          Company Address:</p> <p>Telephone          Emergency Telephone (outside office hours):          Email Address:          Fax No:</p> <p>Are you a member of PASMA <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If no, please supply supporting documentation to verify your competence to assemble, alter and dismantle a mobile tower.</p>	<p><b><u>FOR AUTHORITY USE ONLY (THIS BOX)</u></b></p> <p>Confirm receipt of the following written information where applicable (refer to details &amp; appendages provided by the applicant on page 2 where necessary).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">yes</th> <th style="width: 10%;">no</th> <th style="width: 10%;">n/a</th> <th style="width: 70%;">item</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td>Current employers' liability &amp; public liability insurance documents submitted? (applicant)</td> </tr> <tr> <td></td> <td></td> <td></td> <td>Current employers' liability &amp; public liability insurance documents submitted? (mobile tower contractor)</td> </tr> <tr> <td></td> <td></td> <td></td> <td>Copy or relevant manufacturers instruction manual (if applicable)</td> </tr> <tr> <td></td> <td></td> <td></td> <td>Mobile tower design drawing with strength &amp; stability calculations together with assembly, use and dismantling plan submitted? (applicable if the mobile tower is not a generally recognised standard configuration detailed in the manufacturers' instruction manual)</td> </tr> <tr> <td></td> <td></td> <td style="background-color: black;"></td> <td>Copy of risk assessment in accordance with the Work at Height Regulations 2005</td> </tr> <tr> <td></td> <td></td> <td></td> <td>Traffic management plan approved? (if applicable)</td> </tr> <tr> <td></td> <td></td> <td style="background-color: black;"></td> <td>Copy of PASMA training card /certificate or alternative evidence of competence relevant to the individuals assembling altering and dismantling the mobile tower.</td> </tr> <tr> <td></td> <td></td> <td></td> <td>Has a site meeting with the authority taken place?</td> </tr> </tbody> </table> <p>Enter ✓ as appropriate. All sections above must be answered by person processing application</p> <p><b>Licence Issued By:</b> _____ (signed)</p> <p><b>Print Name:</b> _____</p> <p><b>Date:</b> _____</p>	yes	no	n/a	item				Current employers' liability & public liability insurance documents submitted? (applicant)				Current employers' liability & public liability insurance documents submitted? (mobile tower contractor)				Copy or relevant manufacturers instruction manual (if applicable)				Mobile tower design drawing with strength & stability calculations together with assembly, use and dismantling plan submitted? (applicable if the mobile tower is not a generally recognised standard configuration detailed in the manufacturers' instruction manual)				Copy of risk assessment in accordance with the Work at Height Regulations 2005				Traffic management plan approved? (if applicable)				Copy of PASMA training card /certificate or alternative evidence of competence relevant to the individuals assembling altering and dismantling the mobile tower.				Has a site meeting with the authority taken place?
yes	no	n/a	item																																		
			Current employers' liability & public liability insurance documents submitted? (applicant)																																		
			Current employers' liability & public liability insurance documents submitted? (mobile tower contractor)																																		
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			Has a site meeting with the authority taken place?																																		
<p><b>Location where mobile tower is to be sited</b> (full address including street name, number &amp; post code):</p>																																					
<p><b>State the period for which the licence is required:</b></p> <p>FROM: _____ / _____ / _____ UNTIL: _____ / _____ / _____.</p>																																					
<p><b>IMPORTANT NOTE TO APPLICANT:</b></p> <p>To ensure that the licence is issued to the Applicant, with the least possible delay; <b>please answer all of the questions on the following pages and ensure that all other information required is provided with the licence application.</b> The Local Authority will only consider issuing a licence if all of the questions are answered and information provided.</p>																																					

**SECTION B - SITE SPECIFIC INFORMATION TO BE SUBMITTED BY THE APPLICANT:**

**Q1. What type of mobile tower will be constructed?** (E.g. Single Width, double width, facade, cantilever)

A: \_\_\_\_\_

**Q2. For what purpose(s) is the mobile tower to be used?**

A: \_\_\_\_\_

**Q3. Please give base dimensions of proposed mobile tower - length x width x height (in metres). For applications with multiple elevations ensure each is detailed.**

A: Elevation 1 \_\_\_\_\_ m long x \_\_\_\_\_ m wide x \_\_\_\_\_ m high

Elevation 2 \_\_\_\_\_ m long x \_\_\_\_\_ m wide x \_\_\_\_\_ m high

Elevation 3 \_\_\_\_\_ m long x \_\_\_\_\_ m wide x \_\_\_\_\_ m high

Continue on separate sheet if applicable

**Q4. Please stipulate any time period for the assembly, use, alteration and dismantling of the mobile tower.**

A: From \_\_\_\_\_ Hrs To \_\_\_\_\_ Hrs

ITEM	QUESTION (tick appropriate column)	YES	NO	N/A
Q.5	Is the mobile tower a generally recognised standard configuration detailed in the manufacturers' instruction manual?			
Q.6	If answer to Q.5 is YES, has a copy of the relevant manufacturer's instruction manual been submitted? (if answer to Q.5 is NO see Q.7)			
Q.7	If answer to Q.5 is NO, has a mobile tower design drawing together with assembly, use and dismantling plan been produced and submitted? (N.B. This must be produced if the mobile tower is not a generally recognised standard configuration detailed in the manufacturers instruction manual)			
Q.8	Has a risk assessment in accordance with the Work at Height Regulations 2005 been carried out and submitted?			
Q.9	Has a site meeting taken place between the local authority, the applicant and [if applicable] their mobile tower contractor? See Section C2 Terms & Conditions.			
Q.10	Will the mobile tower or any protective structure be closer than 450mm to the edge of carriageway? If the answer is 'yes' then a site meeting is required between the local authority, the applicant and [if applicable] their mobile tower contractor. The agreed solution to be detailed in the traffic management plan and risk assessment.			
Q.11	Will there be a minimum width of 1.2m <sup>14</sup> of UNOBSTRUCTED footway for pedestrian access maintained? More restricted sites may be licensed, but these will require a site meeting before a licence is issued. If answer is 'no' a site meeting is required between the local authority, the applicant and [if applicable] their mobile tower contractor. The agreed solution to be detailed in the traffic management plan and risk assessment.			

<sup>14</sup> Local variations may apply and may be edited accordingly by the local Highway Authority.

Q.12	Will the mobile tower obstruct or obscure any of the following: traffic signal, traffic signal controller, bus stop, pedestrian or controlled crossing, junction sight line, lighting column, traffic sign, parking bay, waiting restriction sign, highway drainage gully, manhole, stop cock etc. in or on the highway? If answer is 'yes' a site meeting is required between the local authority, the applicant and [if applicable] their mobile tower contractor. The agreed solution to be detailed in the traffic management plan and risk assessment.			
Q.13	Has a site meeting with the local authority taken place?			
Q.14	Has a traffic management plan been produced and submitted?			
Q.15	Will any part of the highway require closure during assembly, use, alteration, movement or dismantling? If answer is 'yes' a site meeting is required between the local authority, the applicant and [if applicable] their mobile tower contractor. The agreed solution to be detailed in the traffic management plan and risk assessment.			
Q.16	Will a protection structure be installed whilst the assembly, alteration, movement or dismantling of the mobile tower, takes place? If the answer is 'yes' refer to Part 1 of this document for guidance.			
Q.17	Will a protection structure be installed whilst the mobile tower is in use for the task referred to in Q.2? If the answer is 'yes' refer to Part 1 of this document for guidance.			
Q.18	Have the ground conditions been surveyed to ensure they are adequate to carry the leg loads imposed by the mobile tower? If answer is 'no', what measures are intended? (Give details in risk assessment).			
Q.19	Have the employers liability & public liability insurance documents been submitted			
Q.20	Have copies of the PASMA training cards / certificates or alternative evidence of competence relevant to the individuals assembling, altering and dismantling the mobile tower, been obtained and submitted?			

**Confirmation by the Applicant that they acknowledge and accept the terms and conditions of the licence and have read and understood the Guidance listed in PART 1 of this document.**

**PRINT NAME**.....

**SIGNATURE**.....

**JOB TITLE**.....

**DATE**.....



## SECTION C - TERMS AND CONDITIONS OF LICENCE

**Terms and Conditions contained in** this licence to assemble, use, alter, dismantle or maintain on or over a highway, a mobile tower which **obstructs the highway (section 169 Highways Act: 1980)**

C1 – Upon the issuing of the licence, the applicant will become the person to whom the licence is issued in terms of section 169 Highways Act 1980 and will be referred to in the licence as “the licensee”.

C2 - Where applicable, a site meeting should take place between the local authority, the applicant and (if applicable) their mobile tower contractor prior to submitting the application.

C3 – The mobile tower shall be designed, assembled, altered and dismantled by suitably qualified personnel. (Refer to Guidance Notes Part 1 Introduction)

C4 – The mobile tower shall be adequately lit at all times between half an hour before sunset to half an hour after sunrise. (Refer to Guidance Notes Part 1 section 5)

C5 – Any provision for providing a safe route for pedestrians shall be in accordance with the current Safety at Street Works and Road Works Code of Practice.

C6 – Traffic Management shall be in accordance with the current Safety at Street Works and Road Works Code of Practice and Chapter 8 of the Traffic Signs Manual.

C7 – Assembly of the mobile tower must not commence prior to the date specified on the licence and must be dismantled and removed from site before the end of the specified period. The Highway Authority may, in certain circumstances, agree to the extension of the licence period. This may attract a further fee.

C8 - The licensee must implement any measures that the Highway Authority or undertaker (under the meaning of s48 of the New Roads and Street Works Act: 1991) reasonably requests for the purpose of protecting or giving access to any apparatus belonging to or used or maintained by them.

C9 – The licensee is responsible for contacting undertakers (under the meaning of s48 of the New Roads and Street Works Act: 1991) to establish whether or not their apparatus may be affected by the mobile tower.

C10 – The Highway Authority shall have the right to revoke the licence at any time.

C11 – The licensee shall indemnify and keep indemnified the Highway Authority against any claim in respect to injury damage or loss arising out of:

- placing or presence in the highway of the mobile tower and works associated with the licence;  
or
- the execution by any person of any of works associated with the licence.

Copies of the relevant insurance certificates covering the period of the licence shall be presented to and held by the Highway Authority.

**SECTION D - ADMINISTRATION<sup>15</sup>**

*(THIS SECTION TO BE AMENDED BY EACH LOCAL AUTHORITY AS REQUIRED)*

**CALCULATION OF APPLICATION CHARGE FOR A LICENCE TO ASSEMBLE AND MAINTAIN A MOBILE WORKING TOWER ON THE HIGHWAY**

**Company Name:**

**Contact Name:**

**Company Address:**

**Location where mobile tower is to be sited:** (full address including street name, number & post code):

**Period during which the mobile tower is to be sited:**

The following payment has been calculated as the charge associated with your application for a licence to assemble and maintain a mobile working tower on the highway. This calculation has been based on the information provided as part of your application and must be paid before the licence becomes effective for works to commence on site. If these circumstances change additional monies will either be requested as required to extend the licence or be refunded accordingly.

ADMINISTRATION CHARGE      £.....

DEPOSIT                              £.....

Licence No. ....

Calculated by ..... (On behalf of the Highway Authority)

Date ...../...../.....

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<sup>15</sup> Local variations may apply and may be edited accordingly by the local Highway Authority

## Annex A - The Highways Act 1980 Section 169

### 169) Control of scaffolding on highways

(1) Subject to subsection (6) below no person shall, in connection with any building or demolition work or the alteration, repair, maintenance or cleaning of any building, erect or retain on or over a highway any scaffolding or other structure which obstructs the highway (hereafter in this section referred to as a “relevant structure”) unless he is authorised to do so by a licence in writing issued for the purposes of this section by the highway authority (hereafter in this section referred to as “a licence”) and complies with the terms of the licence; and a licence may contain such terms as the authority issuing it thinks fit.

(2) If a person applies to a highway authority for a licence in respect of any relevant structure and furnishes the authority with such particulars in connection with the structure as the authority reasonably demand, it is the duty of the authority to issue a licence to him in respect of the structure unless the authority consider—

(a) that the structure would cause unreasonable obstruction of a highway; or .

(b) that a relevant structure erected otherwise than as proposed by the applicant would cause less obstruction of a highway than the structure proposed by him and could conveniently be used for the work in question.

(3) If on an application for a license in connection with a highway the highway authority refuse to issue a license or issue a license containing terms to which the applicant objects, the applicant may appeal to a magistrates’ court against the refusal or terms; and on such an appeal the court may—

(a) in the case of an appeal against a refusal, direct the highway authority to issue a license in pursuance of the application;

(b) in the case of an appeal against the terms of the license, alter the terms.

(4) Subject to subsection (6) below, it is the duty of a person to whom a license is issued by a highway authority in respect of a relevant structure—

(a) to ensure that the structure is adequately lit at all times between half an hour after sunset and half an hour before sunrise;

(b) to comply with any directions given to him in writing by the authority with respect to the erection and maintenance of traffic signs in connection with the structure; and

(c) to do such things in connection with the structure as any statutory undertakers reasonably request him to do for the purpose of protecting or giving access to any apparatus belonging to or used or maintained by the undertakers.

(5) A person who contravenes the provisions of subsection (1) above otherwise than by failing to comply with the terms of a license or who fails without reasonable excuse to comply with the terms of a license or to perform a duty imposed on him by subsection (4) above, is guilty of an offence and liable to a fine not exceeding level 5 on the standard scale.

(6) Nothing in the preceding provisions of this section applies to a relevant structure erected before 14th February 1977 or erected or retained by the British Railways Board, the British Waterways Board or Transport for London or any of its subsidiaries (within the meaning of the Greater London Authority Act 1999) in the exercise of powers conferred on the body in question by any enactment; and nothing in paragraph (a) or (b) of subsection (4) above applies to a relevant structure if no part of it is less than 18 inches in a horizontal direction from a carriageway of the relevant highway and no part of it over a footway of the relevant highway is less than 8 feet in a vertical direction above the footway.

(7) No civil or criminal proceedings lie in respect of any obstruction of a highway which is caused by a relevant structure if the structure is on or over the highway in accordance with a license and the person to whom the license is issued performs the duties imposed on him in respect of the structure by subsection (4) above; and a highway authority by whom a license is issued do not incur any liability by reason of the issue of the license.