

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

[\(Highways Act 1980-Section 169 – Control of scaffolding on highways\)](#)

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## **CONTENTS**

## **PAGE**

### **PART 1 – GUIDANCE NOTES**

INTRODUCTION	3
Section 1. TOWER DESIGN	4
Section 2. ASSEMBLY, MOVEMENT, ALTERATIONS AND DISMANTLING	5
Section 3. PROTECTING THE PUBLIC	6
Section 4. PROTECTION STRUCTURES AND PROTECTION ZONES	9
Section 5. LIGHTING ARRANGEMENTS	10
Section 6. TRAFFIC MANAGEMENT	11
Section 7. MAINTENANCE OF THE TOWER	11
Section 8. REMOVAL OF THE TOWER	12
Section 9. INSURANCE – PUBLIC / EMPLOYERS LIABILITY	12
Section 10. MISCELLANEOUS	12
Section 11. REFERENCES	14

### **PART 2 – TEMPLATE FOR AN APPLICATION FOR A LICENCE**

INTRODUCTION	15
GENERAL INFORMATION	15
SECTION A – APPLICATION - to be completed by the Applicant and the Authority	16
SECTION B – SITE SPECIFIC INFORMATION - to be completed by the Applicant	17
SECTION C – TERMS AND CONDITIONS OF LICENCE	19
SECTION D – ADMINISTRATION - to be amended by local authority as required	20

<b>ANNEX A – THE HIGHWAYS ACT 1980 SECTION 169</b>	<b>21</b>
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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 relevant highway authority.

These same principles and requirements relating to scaffolding also apply to a mobile tower (EN 1004-1) or prefabricated tower scaffold (BS 1139-6).

EN 1004-1 mobile towers and BS 1139-6 prefabricated tower scaffolds are structures assembled using prefabricated modular components where the dimensions are fixed by the design.

The Highways Act section 328 states that the meaning of a highway is *“the whole or a part of a highway other than a ferry or waterway. Where a highway passes over a bridge or through a tunnel, that bridge or tunnel is to be taken for the purposes of this Act to be a part of the highway”*.

So, whilst the Highways Act does not define a “highway” in great detail, 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. The relevant highway authority will determine if a place is a highway and if a highway licence is required.

These guidance notes have been produced to assist both licence applicants and local highway authorities issuing licences. The relevant highway authority’s requirements may require more than is specified in this guidance in which case, the local authority’s requirements take precedence.

A licence is issued to the company responsible for the management of a 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 tower.

If a competent contractor<sup>1</sup> is employed to assemble, alter, or dismantle a 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 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 competent 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, must accompany the application for a licence.

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

This edition of this guidance has been updated following revisions to the Highways Act, Section 169, that occurred in 2017 and 2021 together with revisions of the standards EN 1004 in 2020, and BS 1139-6 in 2022.

In this document the use of the term “tower” refers to a mobile access and working tower which complies with the standard EN 1004 or a prefabricated tower scaffold which complies with the standard BS 1139-6.

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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](#)

## **PART 1 SECTION 1. TOWER DESIGN**

1. Mobile towers designed in compliance with the requirements of the standard EN 1004-1<sup>3</sup> are single bay structures capable of being used freestanding up to 12m indoors (where there is no wind) and 8m outdoors (or where there may be wind) and have only one working platform at one time.
2. Tower structures outside of the scope of EN 1004-1 but utilizing components from such systems are specified in BS 1139-6<sup>4</sup>. Those structures include:
  - a. high level tower scaffolds outside the maximum height limits of BS EN 1004-1;
  - b. tower scaffolds with more than one working platform at one time;
  - c. large deck tower scaffolds;
  - d. linked tower scaffolds and towers with bridges;
  - e. cantilever tower scaffolds;
  - f. stepped tower scaffolds and towers on stairs;
  - g. tower scaffolds used as a means of access to another place;
  - h. non-mobile towers built on base plates instead of castors and;
  - i. tower scaffolds subject to wind loads greater than 0.1 kN/m<sup>2</sup>.
3. EN 1004-1 mobile towers are capable of being moved manually on firm and level ground. Depending on the application, BS 1139-6 prefabricated tower scaffolds may be: mobile or built on base plates, freestanding or tied to a supporting structure.
4. Towers must be assembled in conformity with a generally recognised standard configuration detailed in the relevant instruction manual<sup>5</sup> or a site-specific assembly, use & dismantling plan<sup>6</sup>. The instruction manual, or assembly, use & dismantling plan, must be available on site whilst the tower is standing.
5. In accordance with Schedule 3 Part 2 section 7b of the [Work at Height Regulations 2005](#), if the tower is not assembled in conformity to a standard configuration (detailed in the instruction manual) then an individual design, including strength and stability calculations, must be prepared and an assembly, use and dismantling plan drawn up by a competent person.
6. Towers should be designed to comply with the requirements of EN 1004-1 or BS 1139-6.
7. Where specified in the instruction manual, or the assembly, use & dismantling plan, stabilisers, ballast or mobile outriggers must be fitted to the tower accordingly.
8. BS 1139-6 towers, which are stabilised by tying to a supporting structure, must be tied in accordance with the instruction manual or the assembly, use & dismantling plan. Anchors used as a means of securing ties must be selected, installed and tested in compliance with the requirements of BS 8539<sup>7</sup> by a competent person.

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<sup>3</sup> EN 1004-1 Mobile access and working towers made of prefabricated elements Part 1: Materials, dimensions, design loads, safety and performance requirements.

<sup>4</sup> BS 1139-6 Metal scaffolding Part 6: Prefabricated tower scaffolds outside the scope of BS EN 1004 but utilizing components from such systems – specification.

<sup>5</sup> Specified in EN1004-2 Mobile access and working towers made of prefabricated elements Part 2: Rules and guidelines for the preparation of an instruction manual.

<sup>6</sup> Specified in BS1139-6 Clause 11.

<sup>7</sup> BS 8539 Code of practice for the selection and installation of post-installed anchors in concrete and masonry.

9. Towers which are to be used as a means of access to another place must be designed in compliance with the requirements of BS 1139-6. EN 1004-1 mobile towers are not suitable as a means of access to another place.

#### **PART 1 SECTION 2. ASSEMBLY, MOVEMENT, ALTERATION AND DISMANTLING**

10. In order to satisfy the requirements of the [Work at Height Regulations 2005](#), the applicant or tower contractor (who is responsible for the assembly, alteration and dismantling of the tower) must carry out a risk assessment and formulate a plan for that work. The plan should follow the recommendations and systems of work detailed in PASMA training and the current PASMA Code of Practice. The risk assessment must be written down and should be available to any other parties working on or near the tower. Where the work activities to be carried out from the tower are the responsibility of the applicant, then they could be included in the same risk assessment.

11. On each site there should be an appropriate number<sup>8</sup> of PASMA trained operatives<sup>9</sup> with an appropriate level training card, competent to assemble, alter and dismantle the type and form of tower that is to be used. Under no circumstances must a person who is not competent (unless under training and direct supervision by a competent person), assemble, move, alter or dismantle a tower).

12. The tower should be assembled, altered, and dismantled in a safe manner using one of the methods detailed in the PASMA Code of Practice.

13. Once assembled and prior to first use, the tower must be inspected by a competent person who must complete a written report in accordance with the Work at Height Regulations 2005. The results of the inspection, including any faults found, must be recorded on the report which must 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. Alternatively, the report may be completed using the PASMA TowerSure™ APP<sup>10</sup>.

14. If the tower is to be in place for more than 7 days, it must be re-inspected within the 7 days and a new inspection report written. It must then be re-inspected, and a new inspection report written within 7 day intervals until it is dismantled.

15. Additionally, the tower must be re-inspected, and a new written report completed whenever it has been significantly altered or following any event liable to jeopardise the safety, stability or structural integrity of the tower. For example: following an incident during movement, after adverse weather conditions, if the tower is struck by a vehicle or impacted in other ways, if the tower is otherwise damaged during work, or used in an environment that may have caused deterioration of the tower.

16. If left unattended, pre-use safety checks on the tower must also be undertaken by a competent person to ensure that it has not been tampered with or otherwise damaged since its last use.

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<sup>8</sup> (as specified in the tower instruction manual or in the assembly, use and dismantling plan and the plan of work and risk assessment).

<sup>9</sup> or persons with appropriate alternative training and evidence of suitable competence.

<sup>10</sup> Details of PASMA TowerSure™ may be found on the PASMA website or PASMA APP.

17. 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.
18. The frames at the base of the tower must be fitted with either castor wheels<sup>11</sup> or base plates<sup>12</sup>. Where required suitable sole boards should be placed beneath them to the satisfaction of the local highway authority.
19. Mobile towers should be moved in accordance with the instruction manual for the tower and the PASMA Code of Practice.
20. To prevent unauthorised access/use, all lower access to the tower must be removed (if permitted by the instruction manual) or suitably and sufficiently covered.
21. Partially constructed or incomplete towers must have a notice with the warning “Do Not Use - Tower Incomplete” affixed conspicuously at the base level.
22. If left overnight, complete and incomplete towers should be lit as specified in section 5 of this guidance and measures taken to deter any unauthorised or malicious use of the tower.
23. The licensee must implement any measures that the local highway authority or a statutory undertaker<sup>13</sup> reasonably requests for the purpose of protecting or giving access to any apparatus belonging to or used or maintained by them.
24. The tower should be dismantled and fully removed from the highway as soon as it is no longer required and/or when the licence expires.
25. Freestanding EN 1004-1 mobile towers should be removed in case of forecast wind or adverse weather conditions greater than permitted in the user instructions for the tower. Towers may be designed for higher wind loads or where it is required to leave the tower standing at the end of the work shift.

### **PART 1 SECTION 3. PROTECTING THE PUBLIC**

26. Whenever possible 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>14</sup>.
27. Consideration must be given to suitable systems, which safely separate pedestrians and other highway users from any hazards created by the assembly, use, alteration and dismantling of the tower.
28. 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

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<sup>11</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 in compliance with EN 1004-1.

<sup>12</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 in compliance with BS 1139-6.

<sup>13</sup> bodies formed by statute and having legal duties to provide services such as gas, electricity, or water.

<sup>14</sup> a licence may specify the specific hours or days during which the assembling, use, alteration, and dismantling must take place.

dismantling of towers. These might include the installation of a protective structure (see Part 1 Section 4).

29. EN 1004-1 mobile towers are not designed for cladding with netting or sheeting to prevent the fall of components, tools, debris, materials or other objects. This factor should be taken into consideration when assessing the suitability of an EN 1004-1 mobile tower for the work to be undertaken.

30. It is possible for towers, to be designed in compliance with the requirements of BS 1139-6, to be clad with netting or sheeting. This must be specified in the instruction manual or assembly, use and dismantling plan for the tower. BS 1139-6 makes specific requirements for the calculation and design of such towers and the netting or sheeting must be made of the correct pervious materials.

31. The verticals of 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 – PERSONS WORKING OVERHEAD' (or similar) should be displayed at the base of the tower.

32. All reasonable precautions must be taken to ensure the safety of the pedestrians during the works<sup>15</sup>. Appropriate fencing should be installed to segregate pedestrians from the tower including any stabilisers or outriggers.

33. Particular consideration must 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

34. Adequate width and height must be maintained for the safe passage of footway users. A minimum 1.2m<sup>16</sup> clear width<sup>17</sup> of footway should be provided around the tower (including any stabilisers or outriggers). See Figure 2a. Where this is not possible towers may be constructed with pedestrian walk through or high clearance frames which conform to the requirements of BS 1139-6.

35. Towers, with pedestrian walk through or high clearance frames, must be designed<sup>18</sup> and constructed in a manner to provide a minimum head room of 2.44m above the footway with a minimum clear width of 1.2m. See Figure 1.

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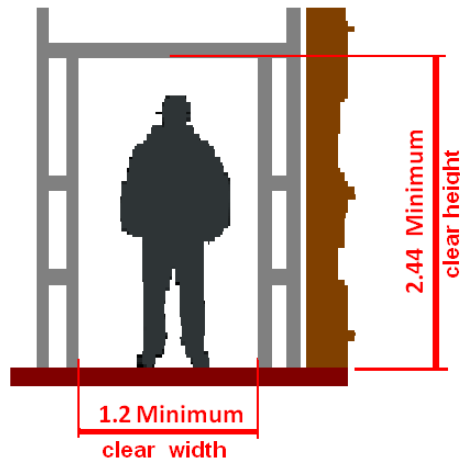
<sup>15</sup> see HSE Guidance 'Protecting the Public – your next move' HSG151

<sup>16</sup> [Safety at Street Works & Road Works Code of Practice](#)

<sup>17</sup> clear width means without obstructions such as bollards, lighting columns, signposts, walls, seating etc.

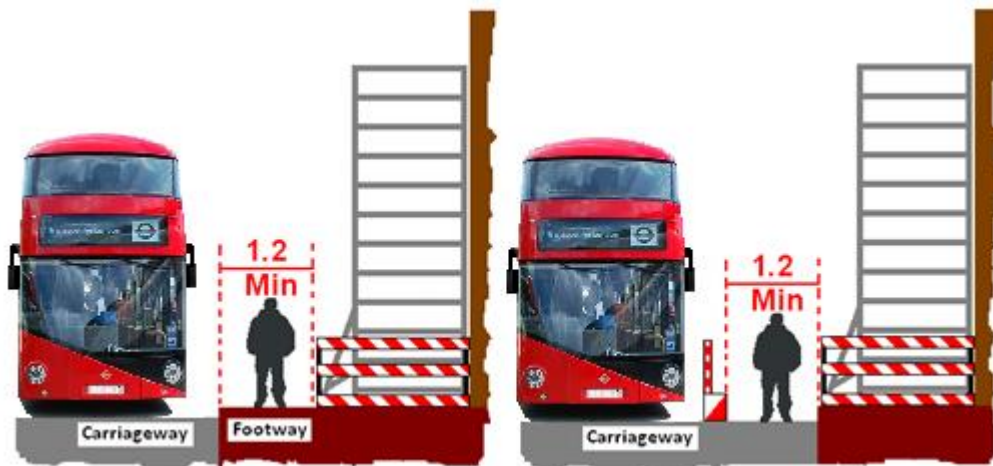
<sup>18</sup> BS 1139-6 gives dimensions for towers with high clearance and walk through frames suitable for use on the highway.





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

36. If a minimum clear width of 1.2m of existing footway is not available around the tower (including any stabilisers or outriggers) and proper and safe provision cannot be made for pedestrians to pass safely beneath the tower (using pedestrian walk through or high clearance frames) then an adequately signed temporary footway of minimum 1.2m clear width<sup>19</sup> should be provided around the tower (including any stabilisers or outriggers). Measures must 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**

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

<sup>19</sup> [Safety at Street Works & Road Works Code of Practice](#)



38. Any fallen components, tools, debris, materials or other objects should immediately be removed from the footway or carriageway.

39. Wherever practicable, towers (including any stabilisers, outriggers or cantilever platforms) or any protective structure (see section 4) should be kept back a minimum of 450mm<sup>20</sup> measured horizontally from any adjacent carriageway edge, up to a height of 5.05m<sup>21</sup>, measured vertically from the kerb or the highest point of the carriageway surface (whichever is the higher). See Figure 3a.

40. If any part of the tower (including any stabilisers or outriggers) or any protective structure (see section 4) is;

- a) closer than<sup>22</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 must be installed between the 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

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

#### **PART 1 SECTION 4. PROTECTION STRUCTURES AND PROTECTION ZONES**

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

<sup>20</sup> [Safety at Street Works & Road Works Code of Practice.](#)

<sup>21</sup> Dimensions may vary depending on local authority requirements.

<sup>22</sup> with the agreement of the Highway Authority

43. Because EN 1004-1 mobile towers are not designed to support fans, sheeting or netting, these types of protection must not be used on mobile towers. It is possible for towers, designed in compliance with the requirements of BS 1139-6, to be clad with netting or sheeting<sup>23</sup>. Alternatively, a suitably constructed self-supporting protection structure should be designed and built around the tower. The design of a protection structure should be fit for purpose dependent on individual site requirements.

44. The protection structure or protection zone should extend over an area 4m horizontal distance around the tower. See Figure 4.



**Figure 4 Protection structures and protection zones**

45. A protection structure must be installed as soon as is practicable and remain in-situ during the assembly, use, alteration and dismantling of the tower.

46. 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).

47. 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.

48. The protection structure should be lit in accordance with section 5 of this guidance.

## **PART 1 SECTION 5. LIGHTING ARRANGEMENTS**

49. The 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.

<sup>23</sup> It is possible for towers to be designed in compliance with the requirements of BS 1139-6, to be clad with netting or sheeting. This must be specified in the instruction manual or assembly, use and dismantling plan. The standard makes specific requirements for the calculation and design of such towers and the netting or sheeting must be made of the correct pervious materials.

50. A 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.

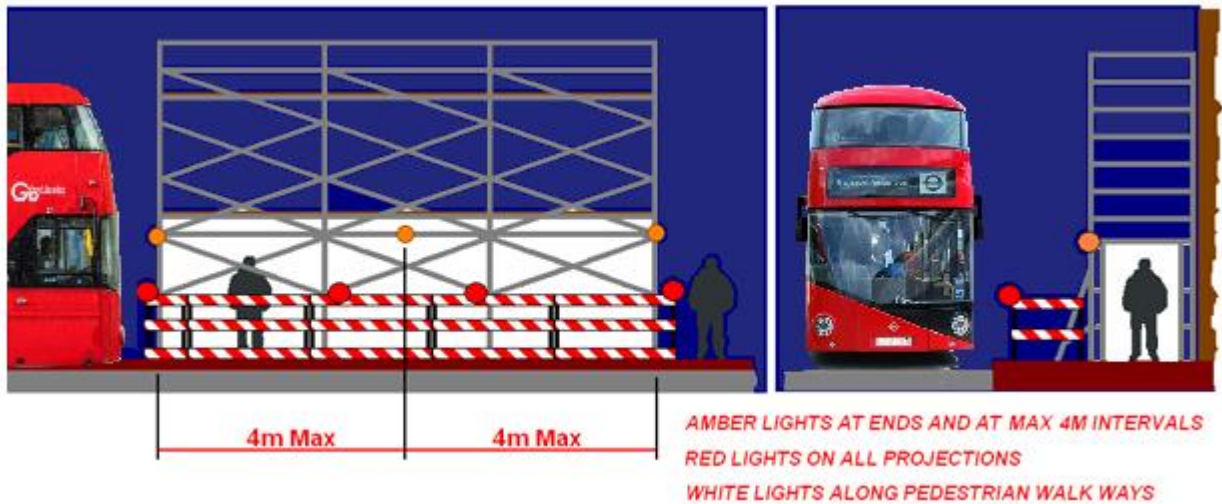


Figure 5 Lighting arrangements

#### PART 1 SECTION 6. TRAFFIC MANAGEMENT

51. 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. The [Safety at Street Works and Road Works Code of Practice](#) gives guidance on this subject. Extra restrictions may be imposed by the local highway authority on routes designated as traffic sensitive.

52. The licensee must comply with the [Traffic Signs Regulations and General Directions 2016 \(TSRGD\)](#), 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](#).

53. The [Safety at Street Works and Road Works Code of Practice](#) specifies that only appropriately trained and competent operatives, supervisors, managers or other competent persons should be engaged in the assessment, design, setting up, maintaining and removing of signing, lighting, guarding and temporary traffic control.

54. 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.

#### PART 1 SECTION 7. MAINTENANCE OF THE TOWER

55. During the period in which the tower is allowed to stand, the tower and any protective structure or vehicle barrier should be maintained in good order and condition.

56. The tower should be inspected in accordance with paragraphs 8 to 13 of this guidance.

57. A regular cleansing regime beneath and around the tower and any protective structure should be implemented to keep the highway clean. The licensee is responsible for ensuring that the tower

and any protective structure are kept free from fly posting and graffiti. Any occurrences should be removed within 48 hours.

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

#### **PART 1 SECTION 8. REMOVAL OF THE TOWER**

59. 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 tower (and any protective structure or vehicle barrier) should be immediately dismantled and removed.

60. Under no circumstances should tower components, materials or tools be dropped from the tower during assembling, alteration, use and dismantling. Components, materials and tools must be carried or passed down, or lowered in a controlled manner following any instructions in the tower's instruction manual or the assembly, use and dismantling plan.

61. Upon removal of the 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 tower (and any protective structure or vehicle barrier) 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 tower (and any protective structure or vehicle barrier).

62. The local highway authority has 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 tower (and any protective structure or vehicle barrier). In default, and after giving notice, the local authority may themselves make arrangements to remove the tower (and any protective structure or vehicle barrier) and any reasonable expenses incurred by the local authority in doing so may 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 being imposed under (s169(5) of [the Highways Act 1980](#)).

#### **PART 1 SECTION 9. INSURANCE – PUBLIC / EMPLOYERS LIABILITY**

63. Public Liability Insurance giving minimum cover of £5M for towers is normally 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.

64. Where a contractor directly employs operatives for the purpose of building towers, Employees Liability Insurance giving a minimum cover of £10M is normally 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.

#### **PART 1 SECTION 10. MISCELLANEOUS**

65. Unique Street Reference Numbers (USRNs) are obtained from the National Street Gazetteer. The local highway authority will provide these numbers on request.

66. 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.

67. 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.

## **PART 1 SECTION 11. REFERENCES**

- Highways Act: 1980:  
<https://www.legislation.gov.uk/ukpga/1980/66>
- New Roads & Street Work Act: 1991:  
<https://www.legislation.gov.uk/ukpga/1991/22>
- Traffic Management Act: 2004:  
<https://www.legislation.gov.uk/uksi/2016/362/contents/made>
- 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/publications/safety-at-street-works-and-road-works>
- Work at Height Regulations: 2005:  
<https://www.legislation.gov.uk/uksi/2005/735/contents/made>
- [BS EN 1004-1 Mobile access and working towers made of prefabricated elements - Materials, dimensions, design loads, safety, and performance requirements.](#)
- [BS EN 1004-2 Mobile access and working towers made of prefabricated elements - Rules and guidelines for the preparation of an instruction manual.](#)
- [BS 1139-6 Metal scaffolding. Prefabricated tower scaffolds outside the scope of BS EN 1004-1 but utilizing components from such systems.](#)
- [PASMA Website](#)

**Please turn to Page 14 for PART 2 – TEMPLATE FOR AN APPLICATION FOR A LICENCE FOR A TOWER ON THE PUBLIC HIGHWAY**

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

### **INTRODUCTION**

The following application form is intended for use by any authority that issues licences or permits for 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 tower is designed in compliance with the requirements of EN 1004 or BS 1139 Part 6 and is assembled, altered and dismantled in accordance with the instruction manual (or assembly use and dismantling plan) for the tower, the PASMA Code of Practice and the Work at Height Regulations 2005. A licence to assemble or retain a tower is issued to the company responsible for the management and use of the tower whilst it remains in-situ.

A tower contractor<sup>24</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>25</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 tower situated on the highway. The application form has 4 sections:

**Section A** - Application - to be completed by the applicant and the Authority granting the licence.

**Section B** - Site Specific Information - to be completed by the applicant.

**Section C** - Terms & Conditions of Licence – to be completed by the Authority granting the licence.

**Section D** – Administration – to be completed by the Authority granting the licence.

### **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 tower contractor prior to submitting the application.
3. The licensee is reminded that it is their responsibility to ensure that the tower and any protection structure, is structurally sound, is properly designed and assembled in accordance with:
  - [the Work at Height Regulations](#)
  - the relevant standards (i.e., EN1004-1 or BS1139-6)
  - the instruction manual or assembly, use and dismantling plan for the tower
  - the PASMA Code of Practice- and that is properly 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 tower on site. You will not be reminded that your certificate is due for renewal.
6. In emergency situations where a tower is required immediately, the applicant should contact the local highway authority by telephone to request verbal consent to assemble and use a tower on the highway to carry out the emergency works. The applicant should then make an application in writing as soon as practicable.

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<sup>24</sup> e.g. a PASMA Approved Hire & Assembly member.

<sup>25</sup> Local variations may apply and may be edited accordingly by the local highway authority.





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

For applications for more than one tower on the highway at same site, ensure each tower is detailed on a separate copy of Section B.

**Q1. What type of tower will be constructed?** Strike out all that do not apply.

**A1:**

- **EN 1004-1 mobile tower**<sup>26</sup> or:
- **BS 1139-6 tower:** mobile/on base plates, freestanding/tied, linked/bridged, large deck, stepped/on stairs, high level, means of access, more than one working platform, wind class 2 or more.

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

**A2:** \_\_\_\_\_

**Q3. Please give base dimensions of proposed tower - length x width x height (in metres).**

**A:** \_\_\_\_\_ m long x \_\_\_\_\_ m wide x \_\_\_\_\_ m high

ITEM	QUESTION (tick appropriate column)	YES	NO	N/A
Q.4	Is the tower a generally recognised standard configuration with an instruction manual?			
Q.5	If answer to Q.4 is "YES", has a copy of a certificate of compliance with EN 1004-1 or BS 1139-6 from a recognised Conformity Assessment Body (e.g. BSI, TUV or T&R) been submitted with the application? If "NO" then please provide evidence of the tower's compliance with the relevant standard.			
Q.6	If answer to Q.4 is "YES", has a copy of the relevant instruction manual been submitted with the application? (If answer to Q.4 is "NO" see Q.7)			
Q.7	If answer to Q.4 is "NO", have calculations and a tower design drawing together with and assembly, use and dismantling plan been produced and submitted? <i>(N.B. In accordance with the Work at Height Regulations, this must be produced if the tower is not a generally recognised standard configuration detailed in an instruction manual).</i>			
Q.8	Has a risk assessment in accordance with the Work at Height Regulations been carried out and submitted?			
Q.9	Has a site meeting taken place between the local authority, the applicant and [if applicable] their tower contractor? <i>See Section C2 Terms &amp; Conditions.</i>			
Q.10	Will the tower or any protective structure be closer than 0.45m to the edge of carriageway? If "YES" then a site meeting is required between the local authority, the applicant and [if applicable] their tower contractor. The agreed solution should be detailed in the traffic management plan and risk assessment.			

<sup>26</sup> EN 1004-1 are single bay structures capable of being used freestanding up to 12m indoors (where there is no wind) and 8m outdoors (or where there may be wind) and have only one working platform at one time

Q.11	Will there be a minimum width of 1.2m <sup>27</sup> of <u>UNOBSTRUCTED</u> footway for pedestrian access maintained? More restricted sites may be licensed, but these will require a site meeting before a licence is issued. If “NO” a site meeting is required between the local authority, the applicant and [if applicable] their tower contractor. The agreed solution to be detailed in the traffic management plan and risk assessment.			
Q.12	Will the 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 tower contractor. The agreed solution should 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 tower contractor. The agreed solution should 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 tower, takes place? If answer is “YES” refer to Part 1 of this document for guidance.			
Q.17	Will a protection structure be installed whilst the 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 tower? If answer is “YES”, what measures are intended? (Give details in risk assessment).			
Q.19	Have the employer’s 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 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**.....

<sup>27</sup> Local variations may apply and may be edited accordingly by the local highway authority.

## 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 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 tower contractor prior to submitting the application.

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

C4 – The 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 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 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 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>28</sup>**

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

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

**Company Name:**

**Contact Name:**

**Company Address:**

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

**Period during which the 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 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>28</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<sup>29</sup>

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

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

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

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

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

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

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

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

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

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

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

In this subsection and in section 171(2) - “statutory undertakers” means any of the following, namely, any body who are statutory undertakers within the meaning provided by section 329(1)-, any universal service provider in connection with the provision of a universal postal service], any licensee under a street works licence and the operator of an electronic communications code network or a driver information network.

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

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

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

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<sup>29</sup> <https://www.legislation.gov.uk/ukpga/1980/66/section/169/2021-02-11>