



Management System Document – Guidance Note

Highways Licensing and Other Consents

Document reference: SQA-0590 - issue: 4

1 Purpose

The purpose of this document is to provide guidance for the consideration and issue of highway licenses and other consents by Transport for London and the London Local Authorities, which relate to the [Transport for London Road Network \(TLRN\) red routes](#). This guidance is designed to be comprehensive and coverage includes all of the matters covered at section 2.1. TfL hosts a website where this guidance and application forms can be accessed at: <https://tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences>.

2 Background / Scope

Statutory Position

TfL as highway authority are under a duty imposed by [section 130 of the Highways Act 1980](#) to “assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority”. There are multiple provisions under which various activities on the highway can be controlled by the local authority, the local authority with the consent of TfL, or by TfL directly.

'A' Boards	s137 Highways Act 1980
Advertising banners	s178 Highways Act 1980
Basements	s179 Highways Act 1980
Building Materials and Excavations	s171 Highways Act 1980
Builders Skips	s139 Highways Act 1980
Charity collections	s137 Highways Act 1980
Cranes (including oversail)	s169 Highways Act 1980
Festive and floral decorations	s178 Highways Act 1980 s8 Highways Act 1980
Flag poles	s144 Highways Act 1980
Hoardings	s172 Highways Act 1980 s171 Highways Act 1980
Lights in Trees	s178 Highways Act 1980 s8 Highways Act 1980
Memorials	s132 Highways Act 1980
Mobile Elevated Work Platforms	s169 Highways Act 1980
Pavement cafes and refreshments	s115E Highways Act 1980
Planting of Trees or shrubs	s142 Highways Act 1980 s278 Highways Act 1980
Refuse or storage bins	s185 Highways Act 1980
Scaffolds	s169 Highways Act 1980
Statues	s143 Highways Act 1980
Street Trading	Part III London Local Authorities Act 1990
Structures over the highway	s177 Highways Act 1980
Temporary or directional traffic signs	Traffic Signs Regulations 2016

Many controllable activities contribute directly to the economic viability of the local community, the vibrancy of the place and / or the safety of the surrounding structures. Licensable activities include street trading, pavement cafés, scaffolding, temporary storage of building materials, temporary traffic signs, hoardings, basement openings and the like.

Many of the activities listed in 2.1 above are controllable by the issue of consents or licenses issued by the highway or local authority, failure to obtain a license before undertaking the activity could render the person(s) undertaking that activity to prosecution, to Fixed Penalty or to the offending items being removed and destroyed. This document guides on the process for the issue of consents or licensing for each activity.

It is important that - where relevant - TfL communicates and co-operates with the adjoining local authority through each application

Policy

TfL policy to guide the consideration of consents is:-

- The prime purpose of the highway is for the safe passage of traffic (including pedestrians), highway consents, licensing and related conditions will seek to maintain safe passage and an uncluttered street scene, while accommodating a reasonable balance of controllable activities.
- Licences and other consents will require the street to be cleared of any obstruction in a minimum reasonable time frame, any furniture and receptacles for pavement cafés or street trading must be removed from the highway at the end of each trading session and not retained permanently on the highway.

The circumstances in which TfL will agree to a street or part of it being licensed are that in addition to the space required for the safe performance of the licensed activity, there must also be adequate space for the safe passage of pedestrians or other traffic around it.

3 Maintaining Adequate Space

To guide officers in applying policy, the intensity of use of various categories of footway has been defined, giving the minimum unobstructed width required in order to maintain appropriate clear passage for each. These categories are illustrated below.

Light use

Footways with infrequent use, these are normally away from residential areas and often (but not necessarily) parallel to high-speed traffic routes. Such footways can normally accommodate scaffolding, hoardings or the storage of building materials on a temporary basis without impacting on pedestrian movement. A clear footway width of 2m must however be retained at all times.



Medium use



Footways not normally attracting high volumes of pedestrian traffic, perhaps being on the periphery of retail or residential areas. With careful consideration these footways can accommodate scaffolding, hoardings or the storage of small quantities of building materials on a temporary basis without unduly impacting on pedestrian movement. A clear footway width of 3m must however be retained at all times.

Busy

Footways which accommodate considerable numbers of pedestrians. Local town centres, approaches to local transport interchanges, areas in the immediate vicinity of the larger colleges, hospitals, schools, cinemas, theatres and the like. Such locations attract applications for street trading and pavement cafes, which can sometimes be accommodated out of the direct pedestrian 'desire line'. Access scaffolds, hoardings or the storage of small quantities of building materials can sometimes be accommodated during periods of lighter use. A clear footway width of 4m must be retained at all times.



Intense



The busiest of pedestrian areas, the centre of the largest retail areas, approaches to principal public transport interchanges, other areas of intense pedestrian concentration. Such locations cannot generally accommodate licensed activities at peak times and any approvals will generally be limited to off peak periods.

Space for cycles adjacent to fixed barriers in the highway.

Prior to erecting any temporary barrier, demountable fencing, hoarding or the like, full consideration must be given to the safety of all road users, including cyclists.

Key considerations are as follows:

1. Minimum offset to carriageway running lanes.

Whilst a 450mm offset from carriageway running lanes is deemed sufficient to ensure a barrier is not struck by vehicles it is insufficient to provide an 'escape' area for cyclists. On routes with high volumes of pedal cycles, consideration should be given to increasing the offset distance between kerb and any barrier to around 1.2 metres. It should be recognised that such a width may encourage pedestrians to use the area so consideration will also need to be given to their likely movements and the need for walking deterrent measures. Where such a larger offset cannot be provided, consideration should be given to a temporary dedicated cycle facility adjacent to the barrier, so as to remove cyclists from any potential conflict area.

2. Open scaffolds adjacent to the carriageway

Whilst boards can protect highway users from sharp edges and minimise impact collisions with scaffolding poles, their presence also fills the gap between scaffolding poles and the smooth face gives cyclist no opportunity for a hand hold in any fall. The decision as to whether to board or not will be risk based, depending on the 'openness' of the scaffolding, set back to the carriageway, highway alignment and volume of cyclists. Consideration should be given as to whether 'open' scaffolding should be used with boarding being provided only where the circumstances dictate.

4 Consents

Different types of consent may be applicable in different circumstances:-

Consent by section 8 agreement

A basic form of (Highways Act 1980) [section 8 agreement](#) will be appropriate to formalise activity by other highway authorities wishing to undertake minor works on TfL's roads, such as the erection of CCTV, of festive or floral decorations on lamp columns or other street furniture. The standard form of agreement will make the applicant authority responsible for undertaking the works in accordance with current good practice and for indemnifying TfL against any and all claims consequent to undertaking the works.

Consent to the issue of a licence by a London local authority

In certain circumstances the local authority may undertake, or may license activity with the prior consent of TfL as the highway authority.

1) Basements

Under the provisions of [section 179](#) of the Highways Act 1980 the local authority may grant consents to the creation of cellars under the highway.

2) Flag Poles

With the express consent of TfL as highway authority, [section 144](#) of the Highways Act enables the local authority to erect flagpoles, pylons and other structures on any highway in their area for the purpose of displaying decorations.

3) Pavement cafés

[Section 115C](#) of the Highways Act 1980 enables a council to provide, maintain and operate facilities for recreation or refreshment or both on a highway. [Section 115E](#) enables a council to grant permission to do anything which it could do under s115C. [Section 115H](#)(4) requires the prior consent of TfL to the application of the above powers on the TLRN. Consequently the council of a London local authority may issue licenses for the creation of pavement cafés on the TLRN, but only with the consent of TfL. The general principles of this guidance relating to safe passage around the licensed area will apply, as will the requirement to remove seating and other equipment from the highway at the end of each trading session and not to retain it on the highway overnight.

4) Refuse or storage bins

With the express consent of TfL as highway authority, [section 185](#) of the Highways Act enables the local authority to install and maintain bins for the collection and temporary deposit of street refuse and waste paper, or the storage of sand, grit or other materials.

5) Street Trading

TfL's specific approval to street trading on any section of the TLRN is required unless evidence exists that the local authority had passed a 'designating resolution' for the street (or part of the street) in question prior to July 2000, under section 24(1)(a) of the [London Local Authorities Act 1990](#), or under such equivalent provisions repealed by the 1990 Act. In those circumstances designation would be continued by Section 24 (2) of the 1990 Act without further express designation. Any such designations will have been made by formal resolution of the local authority. No presumption of designation can be made without the support of appropriate contemporaneous records. When considering new designations then the general principles of this guidance relating to safe passage around licensed areas will apply, as will the requirement to remove receptacles and other equipment from the highway at the end of each trading session and not to retain it on the highway overnight.

Simple letter of consent from TfL

Memorials

TfL does not encourage the erection of permanent memorials on the TLRN but will consider them in a limited number of the most high profile cases. The following are the most common types of memorial considered:

- 1) Temporary ['Remember me plaque'](#) (A5 size)
- 2) Temporary [Ghost Bike](#)
- 3) Street Tree planting

Temporary memorials are normally retained on the street for six months and street trees are planted by TfL with voluntary donations supporting the costs.

Charity Collections

Application for consent to place equipment on the highway to facilitate charity collections will only be considered from bodies listed the Charity Commission's website [here](#). All charity collection bucket/tins must display the name of the charity on the bucket/tin and be securely sealed. The collector must be in possession of written authority from the charity and a permit issued by the Metropolitan Police Service. If

they do not have a permit they commit an offence. There are only certain days of the month that collections are allowed to take place and each charity is only allowed to collect once per year in any given local authority area. Therefore, if you see the same person collecting for the same charity more than once a month, they probably haven't got a permit!

Details of current permits issued by the MPS Charities office and further details are published at www.met.police.uk/charities.

Any stalls or stands may not be set up and left overnight for use the following day. The charity must take responsibility for clearing the site upon conclusion of the event.

Consent by formal licence

Where appropriate TfL will issue formal licences for the following activities:-

- 1) Banners - The attachment of banners to TfL street furniture by private individuals and trade groups is controlled by license. A standard set of conditions is attached to the license application.
- 2) Builders Skips – Because of the strategic nature of the TLRN licences for skips will not generally be granted other than those away from the main carriageway, such as in 'service roads', on wide footway crossovers, lay-byes and the like. The most suitable way of removing materials from properties adjacent to the TLRN is by directly loading into a vehicle, for which dispensation from parking controls can be obtained by calling 0845 603 4545. In rare situations where it is impracticable to load directly into a vehicle, then licenses will be considered. A standard set of conditions is attached to the license application.
- 3) Building Materials – The storage of building materials on the highway is a 'last resort' consent which should be avoided where practicable alternative arrangements are possible. Where no other reasonable options exist, then licenses may be issued, but then for a period not to exceed 28 days. Standard conditions will require any granular materials to be contained in bags, deployment of adequate traffic management as appropriate and the cleaning of the highway surface on expiry of the licence. No mixing of mortar on the highway is permissible and care should be taken to ensure that no materials migrate to nearby surface water drainage systems.
- 4) Buildings above the highway – licenses for canopies, balconies or projections from buildings at high level may be considered where there are no impacts on traffic. A standard set of conditions is attached to the license application.
- 5) Cranes – including overhead beam, rail, pipe, cable, wire or other similar apparatus over, along or across a highway requires the consent of the highway authority who

may attach to their consent such reasonable terms and conditions as they think fit. A standard set of conditions is attached to the license application.

- 6) Excavation in the highway – can be licenced under the provisions of S171 of the highways act. Before issuing a licence TfL will require the applicant to demonstrate appropriate competencies and that the safety of the workforce as well as highway users will be assured. A Standard set of conditions is attached to the licence application.
- 7) Festive decorations – (other than by a London highway authority). The attachment of festive decorations to TfL street furniture by private individuals and trade groups is controlled by license. A standard set of conditions is attached to the license application.
- 8) Hoardings – when set up to ‘separate’ the building from the street, i.e. along the highway boundary, are subject to the control of the local authority under the provisions of [section 172](#) of the Highways Act 1980. Hoardings set up on the highway to safeguard the public against the presence of building materials and the like, are established as a condition of a license issued under [section 171](#) of the Act and are licensable by TfL. A standard set of conditions is attached to the license application.
- 9) Landscape – planting / maintaining parts of the Green Estate - It is not TfL policy to actively seek commercial sponsorship of environmental enhancement schemes. If approached by a third party TfL will however give consideration to proposals. If acceptable all landscape and maintenance works will be carried out by TfL, but at the sponsor’s cost. The scheme must complement the aims and objectives of the [Mayor’s Transport Strategy](#) and other relevant Mayoral Strategies, in particular, there shall be no net loss to sites of biodiversity interest or biodiversity potential. In recognition of commercial sponsorship TfL will permit the erection of approved signs identifying the sponsoring partner. The arrangements will be formalised by way of a basic form of agreement under the provisions of [section 278](#) of the Highways Act 1980. A model agreement is attached to the application.
- 10) Lights in Trees – The permanent fixing of lighting in trees will not be permitted due to the risk of fixings causing damage to the tree as it grows over time. The temporary erection of lights in trees will be considered for periods of up to two years, subject to the installation being completely removed as the licence expires. Any consent will be granted under the provisions of [section 178](#) of the Highways Act 1980 and the various considerations for the provision of festive decorations on structures, such as electrical safety and accounting for power consumption etc, will also apply to lights in trees.
- 11) Mobile Elevated Work Platforms – when used in connection with any building or demolition work or the alteration, repair, maintenance or cleaning of any building become a ‘relevant structure’ for the purposes of [section 169](#) of the Highways Act 1980, and the following considerations for scaffolds will apply.

- 12) Scaffolds – when erected over the TLRN require a licence, from TfL under the provisions of [section 169](#) of the Highways Act 1980. Licenses will be conditional on adequate provisions being provided for the safe passage of pedestrians and other road users, as described in section 4 above. Licenses will be restricted to periods of building activity and scaffolds will not be retained over the highway for any periods when there is no work in progress to justify retention of the scaffold. A standard set of conditions is attached to the license application.
- 13) Statues and Artworks, erected on the TLRN will be subject to consent of TfL under the provisions of [section 143](#) of the Highways Act 1980. Any proposal to erect a figurative statue within the metropolitan police district must have the prior approval of the Secretary of State for Culture, Media and Sport under the [Public Statues Act \(Metropolis\) 1854 \(reference document\)](#), which itself will be conditional on Town Planning Consent. Generally TfL consents will be considered for areas off of direct walking ‘desire lines’ such as in recessed paved areas, on very wide pavements and the like. TfL will not assume ownership or maintenance responsibility for the structure, and consents will usually be granted for periods not exceeding two years. A standard set of conditions is attached to the license application.
- 14) Temporary or directional traffic signs – when considering applications for the provision of traffic signs, Route managers should first consider whether the destination is already adequately covered by permanent traffic signs and if not question if they should be provided by TfL. For example a request to provide signs to a specific event at the O2 Arena should first consider if the permanent signs to the Greenwich Peninsular are adequate. Temporary signs should then be only provided to the destination, rather than advertise any one specific event i.e. directing to Wembley Stadium but not the FA Cup Final. Directional traffic signs should only be provided where a significant number of visitors can be expected to be making their own way to a venue for the first time. See [Traffic Advisory Leaflet 04/11](#). The exact same considerations apply to the provision of Variable Message Signs (VMS) which must also meet the test of retaining adequate space for the safe passage of pedestrians as for other licensed activities on the highway. Applications for VMS should follow the recommendations of [Traffic Advisory Leaflet 01/15](#). The cost of considering the application, providing and removing the signs is chargeable to the applicant. (Note:- the AA, the [Cyclists' Touring Club](#) and the RAC are exempted from any charges by the provisions of [s65 \(3A\)](#) of the [Road Traffic Regulation Act 1984](#) combined with section 2 of the [Temporary Traffic Signs \(Prescribed Bodies\) \(England & Wales\) Regulations 1998](#)).
- 15) There can be a blurring of the edges when considering the licencing of scaffolding, oversailing and/or building over the highway applications. For the purposes of licencing the following will guide which consent would be most appropriate.

Scaffolding licences will relate to any temporary structure (whether on wheels or not) erected on the surface of the highway in connection with any building works, demolition, alteration, repair, maintenance or cleaning of any building.

Oversail licences and their conditions are designed for temporary structures over the highway such as cranes, overhead beams or rails etc.

Building over the highway licences and their conditions are designed for long term permanent or semi-permanent structures (i.e. where there is no target date for removal) above the highway and where periodic inspections to ensure adequate maintenance arrangements are in place will be appropriate. These licences will apply to cantilevered building extensions, canopies, fixed hoists, roof mounted access platforms and the like.

- 16) Pit Lanes are temporary vehicle loading areas licensed under the provisions of [section 171](#) of Highways Act 1980. Pit lanes will provide a safe area to allow the controlled deposit and delivery of building materials associated with construction works. The pit lane must comply with 'Safety at Street Works and Road Works' code of practice. A standard set of conditions is attached to the license application.

5 License Conditions

Licenses will be subject to a standard set of conditions applicable to the licence of that type, together with any site specific conditions determined by the Asset Operations officer/manager. Conditions will be appended to the license when issued. The license and conditions should routinely be displayed (or available at) the site by the license holder.

The standard terms of licenses and other consents will require applicants to undertake the works at their own expense and indemnify TfL from any liability that may arise as a consequence of their undertaking or the presence of the licensed activity on the street, save for any liability which is due to the neglect or default of TfL. For public bodies and local authorities this will be by acceptance of the terms of the consent. Individuals and private bodies will be required to evidence an ability to meet any such claims by way of public liability insurance, to a figure set in TfL's standard conditions. Individuals should note that their exposure to claim is without limitation.

6 License Fees

In some cases the ability to recover costs associated with the granting of licences is provided within the enabling legislation, in other cases the [Local Authorities \(Transport Charges\) Regulations 1998](#) make provisions for Highway and Traffic Authorities to levy charges for the consideration of specified applications and for the doing of certain things at an applicant's request. Fees are generally payable for the consideration of the application and will be levied whether or not the application is successful.

The standard scale of charges for licensable activities is posted on the TfL Website at <https://tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences>

7 Relevant Documentation

- [Glossary](#)
- [Highways Act 1980](#)
- [Local Authorities \(Transport Charges\) Regulations 1998](#)
- [London Local Authorities Act 1990](#)
- [Mayor's Transport Strategy](#)
- [Road Traffic Regulation Act 1984](#)
- [Temporary Traffic Signs \(Prescribed Bodies\) \(England & Wales\) Regulations 1998](#)
- [Traffic Advisory Leaflet No 4 - 2011](#)
- [Traffic Signs Regulations 2016](#)

8 Document Control

Issue	Date	Change Summary	Author	Checker	Approver
Previous version 6 now archived and migrated to new SharePoint platform as version 1 on 24/02/16. Contact QMS@tfl.gov.uk to access archived versions.					
1	17/12/2015	Updated onto new template	Lixi Pan (Highways Specialist Engineer)	Bonnie Schoenmakers (QMS Lead)	Dave Johnson (Highways Manager)
2	1/7/2016	S171 excavation licence included.	Lixi Pan (Highways Specialist Engineer)	Ryan Cooper (Technical Approvals)	Dave Johnson (Highways Manager)
3	1/12/2016	4.15 clarification on oversail, scaffold and building over added. TSRGD 2016 updated.	Lixi Pan (Highways Specialist Engineer)	Dave Johnson (Highways Manager)	Dave Johnson (Highways Manager)
4	8/10/2018	Updated following price review. S171 Pit Lanes added.	Rameez Ramjan (Assessment manager)	Rameez Ramjan (Assessment manager)	David Lingham (Revenue and Licensing manager)