



**Ms Mahshid Beaykitary
Mahshid Beaykitary
3 Commerce Road
TW8 8LE**

This matter is being dealt with by:
HL Ruhul Choudory

Tel No: 020 7641 2824
Fax No: 020 7641 3159
Email: rchoudory@westminster.gov.uk

My Ref: 20/01106/HLTEMP
Date: 5th March 2020

This Notice must be displayed on site at all times

This Temporary Structure(s) is allowed by the Council of the City of Westminster to be retained

At: Devlin House, 36 St George Street, London W1

By: Ms Mahshid Beaykitary

For: The erection of a gantry and scaffolding on the public highway

From: 12th February 2020

To: 11th June 2020

This is under the terms and conditions of Licence
Reference No. **20/01106/HLTEMP***

*All enquiries or reports concerning this structure should be addressed to the Highways Licensing Team at the above address or telephone number.



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Dear Sir/Madam
Highways Act 1980
SITE LOCATION: Devlin House, 36 St George Street, London W1

Westminster City Council hereby **GRANTS A LICENCE** in accordance with its powers under the Highways Act 1980 for the Temporary Structure as described in the undermentioned schedule, subject to conditions set out overleaf.

I would like to draw your attention to the **Site Specific Conditions** which have been set by the Council to ensure the ongoing public safety whilst your structure is in place and ask that you please display the attached Notice on site at all times.

Failure to comply with these and other conditions contained within the schedule could result in enforcement action being taken against you.

Applicant's right of appeal

If you are aggrieved by any of the conditions contained in this consent you may appeal in accordance with Section 316 of the Highways Act 1980 to a Magistrates Court. You can appeal 21 days from the date on which this notice is served upon you.

This Licence expires on 11th June 2020. If your temporary structure remains on or over the public highway after this time, you must apply for a further licence (including fee). Please ensure that this happens in good time before the expiry date so that your structure does not become an illegal obstruction of the public highway.

City Highways
City Management and Communities

Date of Application: 27 January 2020
Application Reference: 20/01106/HLTEMP
Date of Notice: 5th March 2020
Date of Decision: 5th March 2020

Applicant: Ms Mahshid Beaykitary
Proposal: The erection of a gantry and scaffolding on the public highway
For the Purpose of: Roofing, Refurbishment,
Location: Devlin House, 36 St George Street, London W1

Period of Consent: From: 12th February 2020
 To: 11th June 2020

Limit of Temporary Structure(s)

The dimensions of the Temporary Structure(s) must conform to the following permissions (all measurements are metric):

	Frontages (Street Name)	Length	Width	Height	Distance from Kerb	Width of Highway
	SCAFFOLDING					
(1)	ST GEORGE STREET	13.0	Of Gantry	20.0		3.7 3.7
(2)	CONDUIT STREET	16	Off Gantry	20		3.7
(3)						
(4)						

	Frontages (Street Name)	Length	Width	Height	Distance from Kerb	Width of Highway
	HOARDING					
(1)	ST GEORGE STREET	13	1.0			3.7
(2)	CONDUIT STREET	16	1.0			3.2
(3)						
(4)						

	Frontages (Street Name)	Length	Width	Height	Distance from Kerb	Width of Highway
	GANTRY					
(1)	ST GEORGE STREET	13	3.25	2.5	3.7	0.45
(2)	CONDUIT STREET	16	2.75	2.5	3.2	0.45
(3)						
(4)						

	Frontages (Street Name)	Length	Width	Height		Width of Highway
	EXCAVATION					
(1)						
(2)						
(3)						
(4)						

	Frontages (Street Name)	Length	Width	Height		Width of Highway
	STORAGE OF MATERIALS					
(1)						
(2)						
(3)						
(4)						

	Frontages (Street Name)	Length	Width	Height		Width of Highway
	VAULT BRIDGE					
(1)						
(2)						
(3)						
(4)						

	Frontages (Street Name)	Length	Width of Crossing
	TEMPORARY CROSSOVER		
(1)			
(2)			
(3)			
(4)			

Indemnity

The licensee shall indemnify the Council against all liability, claims and demands whatsoever in connection with, or arising out of:

the erection, maintenance, existence and / or removal of the structure; and

the delivery, storage and / or removal of the materials; and

the breaking open of the public highway, maintenance and / or back filling of the excavation referred to.

Before, or immediately following (a) the removal of the structure or materials, or (b) the filling in of the excavation, the licensee shall level and make safe the surface of the public highway, and shall indemnify and hold harmless the Council against all liability, claims and demands whatsoever in the event of any accident or occurrence, or by any reason of any subsidence or sinking of the surface of the public highway, or the execution or non-execution of any work, or anything whatsoever arising thereout.

General informative

Your attention is drawn to Section 169 of the Highways Act 1980 and in particular to subsection 4 which places a duty on the licensee to:

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

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

do such things in connection with the structure as any Public Utilities reasonably request for the purpose of protecting or giving access to any apparatus belonging to or used or maintained by the undertakers;

You are advised that an application for renewal of this licence must be submitted at least 3 weeks before expiry of the licence. Should an application for renewal not be received within the required time, the obstruction may fall to be unlicensed and you could be liable for prosecution in the Magistrates' Court.

Term(s) of the Licence

Deposits

In certain circumstances we will request the payment of a Deposit. Where such a request has been made, the licence shall not be exercisable until payment is made to the City Council. The sum will represent the Council's initial estimate of the reasonable cost of reinstating the highway to its present condition after completion of the works. This would include the temporary removal and reinstallation of street lights or traffic signs and the temporary removal and reinstatement of the electricity supply to street lights or traffic signs affected by the works.

Warning: Should you carry out the activity authorised by this licence before making payment of any Deposit reasonably required by the City Council, you shall be liable to prosecution in the Magistrates' Court. This may result in a fine and / or a court order that you pay the City Council's legal costs.

In the event that no reinstatement works are required on completion of the building works, the Deposit will be refunded in full within 2 months of notification that the obstruction has been removed.

Reinstatement Works

If any reinstatement works are required, you will be issued with an estimate which will represent the costs of properly reinstating the highway, including street furniture (street lights, signs etc) as necessary.

Should you wish to challenge the estimate, you may do so in writing within 14 days of the date of the estimate. Otherwise the reinstatement works will be programmed after 14 days of the date of the estimate.

If the cost of the reinstatement works are estimated to exceed the sum of the Deposit then you will be required to pay any additional amount. If the reinstatement costs are estimated to be less than sum of the initial Deposit, any remaining balance will be refunded after completion of the works.

Your attention is drawn to the following conditions by which you must abide whilst the structure is in position:

General Conditions

1. The placard notice issued with this licence (front page of this document) shall be displayed at all times in a prominent position on the approved obstruction.
2. This licence does not permit the building of any step or any other structure or any disturbance of the public highway other than as may be essential to secure the safety of the approved obstruction.
3. The approved obstruction, together with any necessary temporary pedestrian walkway, shall be erected and maintained to the satisfaction of the City Council and shall not be altered without prior approval.
4. Where the obstruction extends to the carriageway, the licensee shall comply with the Traffic Signs Regulations 2002. (Guidance is provided by the Traffic Signs Manual produced by the Department for Transport)
5. No advertisements shall be displayed on the approved obstruction unless permitted under the Town and Country Planning (Control of Advertisements) Regulations 1992, or approved by the City Council in writing.
6. No machinery for any purpose in connection with the building operations shall be set up, or used upon or over the public highway outside the limits of any enclosure hereby permitted.
7. Where any excavation is to be undertaken within the limits of the public highway, the licensee shall give prior notice to all Public Utilities and other bodies in case their apparatus may be affected.
8. The approved obstruction shall be removed on completion of the relevant works or on the expiry of the licence, whichever is the earlier.
9. Immediately upon completion of the works, notice in writing shall be given to the City Council to enable an assessment of the final condition of the highway and to undertake any necessary reinstatement works. All costs incurred by the City Council in making good the public highway shall be at the expense of the licensee.

Site Specific Conditions For Your Licence

The outer standards of the gantry must be encased in plywood up to a height of 1.22 metres, boxed in at the top, with the top slanting down towards the outer edge of the gantry. The plywood must be painted in a uniform colour.

The scaffolding must be completely encased from first lift up by clear plastic sheeting which shall be securely anchored

The temporary structure hereby approved shall comply with the following requirements:

- (a) A minimum headroom of 2.44 metres must be maintained under and through the gantry for pedestrian access. Diagonal cross bracing must not be fixed below this height.
- (b) Any coupling below 2.44 metres must be fixed so that any projection, threaded or clamp fixing is situated on the opposite side to the pedestrian access.
- (c) Horizontal scaffold poles (such as handrails) must be fitted with plastic caps or otherwise made safe.
- (d) Scaffolding, scaffold boards, temporary roofs and sheeting must be properly secured to resist high winds.
- (e) The gantry must be adequately lit in accordance with Section 169, subsection 4(a) of the Highways Act 1980, by means of white bulkhead lights on the inside of the structure and red bulkhead lights on the outside of the structure. The lights are to be positioned at each end of the gantry and at intervals of three metres therein, set at 2.44 metres high; unless otherwise agreed by the City Council.
- (f) The gantry platform must be double boarded with polythene sheeting between each layer of boards.

Standards must be either painted white or fitted with red and white plastic sleeving up to a minimum height of 2.44 metres, unless they are encased in plywood timber.

Any scaffold pole, board or fixing must not project nearer than 0.45 metres to the kerb edge unless otherwise agreed by the City Council.

This consent for a specific number of vertical gantry poles does not permit the enclosure of any parts of the public highway by the placing thereon of any plant, materials, rubbish or anything whatsoever.

Adequate measures shall be taken to prevent unauthorised persons from having access to the gantry or climbing it, and to protect the security of the building in respect of which the gantry is required, or any adjacent building. In this respect consideration should be given to the provision of security lighting, netting, sheet material, overhangs or other deterrents. All ladders and other climbing equipment must be removed at the end of the working day and securely locked away.

Unless otherwise agreed with the City Council in writing, the licensed structure shall not obstruct street lanterns, nor diminish the light they emit. The City Council may impose additional conditions upon this licence in the event of such agreement.

The temporary structure hereby approved shall comply with the following requirements:-

- a) A minimum headroom of 2.44 metres must be maintained under and through the scaffold for pedestrian access. Diagonal cross bracing and/or putlogs must not be fixed below this height.
- b) Horizontal scaffold poles (such as handrails) must be fitted with plastic end caps or otherwise must be safe.
- c) Couplings below 2.44 metres must be fixed so that any projection, threaded or clamp fixing is situated on the opposite side to the pedestrian access.
- d) Scaffolding, scaffold boards, temporary roofs and sheeting must be properly secured to resist high winds.
- e) Standards must be either painted white or fitted with red and white plastic sleeving up to a minimum height of 2.44 metres.
- f) Continuous timber or sole plates must not be placed on the public highway.
- g) The scaffolding must be adequately lit in accordance with section 169, subsection 4(a) of the Highways Act 1980, by means of white bulkhead lights on the inside vertical scaffold poles and red bulkhead lights on the outside vertical scaffold poles. The lights are to be positioned at each end of the structure and at intervals of three metres therein, set at 2.44 metres high; unless otherwise agreed by the City Council.

This consent for a specific number of vertical scaffold poles does not permit the enclosure of any part of the public highway by the placing thereon of any plant, materials, rubbish or anything whatsoever.

Any scaffold pole, board or fixing must not project nearer than 0.45 metres to the kerb edge, unless otherwise agreed by the City Council.

Scaffolding must not obstruct access for emergency vehicles.

Adequate measures shall be taken to prevent unauthorised persons from having access to the scaffolding or climbing it, and to protect the security of the building in respect of which the scaffold is required, or any adjacent building. In this respect consideration should be given to the provision of security lighting, netting, sheet material, overhangs or other deterrents. All ladders and other climbing equipment must be removed at the end of the working day and securely locked away.

The first lift of the scaffold shall be double boarded with polythene sheeting between each layer of the boards.

No loading or unloading of any machinery or materials used in connection with the licensed obstruction shall be carried out except at such times as approved by the City Council and/or the Metropolitan Police.

The structure / excavation / deposit of material will not be permitted to be erected, removed, formed, excavated or placed on the public highway during the period of 24th December 2020 to 4th January 2021 inclusive.

Inner gantry columns must be encased in plywood up to platform height and the plywood painted in a uniform colour.

IMPORTANT NOTICE

This Notice applies to Applications made under Sections 169, 171, 172 & 173 and 174 of the Highways Act 1980

Westminster City Council is–

The relevant Highway Authority (“the Authority”) for the City of Westminster;

“The Appropriate Authority” in relation to any street or court situated within the City of Westminster;

“The Street Authority” in relation to the whole or any part of any highway, road, lane, footway, alley, passage, square, court or any land laid out as a way, whether it is for the time being formed as a way or not, which is a highway maintainable at the public expense.

TAKE NOTE

By granting a highways licence under section 169, a consent under section 171 or a certificate of satisfaction under sections 172 and 173 of the Highways Act 1980, the Authority does not warrant or otherwise assert by the issue of the said licence, consent or certificate of satisfaction that any particular place or area specified in the licence, consent or certificate of satisfaction constitutes a highway, a street or a court for the purposes of the Highways Act 1980 or at common law.

Further, the granting of such a licence, consent or certificate of satisfaction in respect of any particular place or area does not constitute permission, licence or other consent to trespass or otherwise encroach or interfere in any way whatsoever with any easement or other equitable right or legal interest or any other right or interest whatsoever pertaining to land other than a highway, a street or a court as defined by the Highways Act 1980 or by the common law.

For the avoidance of doubt, a licence granted under the provisions of section 169 of the Highways Act 1980 means that no civil or criminal proceedings lie in respect of any obstruction of a highway which is caused by a relevant structure (i.e. any scaffolding or other structure which obstructs the highway) 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 section 169 (4) of the said 1980 Act and that the highway authority by whom the licence is issued do not incur any liability whatsoever by reason of the issue of the licence.

Rights of Appeal

By sections 169(3), 171(3) and 172(4) of the Highways Act 1980, a person aggrieved either by the refusal of the Council to grant a licence, consent or certificate of satisfaction or, by the issue of a licence, consent or certificate of satisfaction containing conditions or requirements in respect of which the applicant objects, the applicant has the right of appeal against such refusal or the imposition of conditions or requirements to the Magistrates’ Court. By sections 315 and 316 of the Highways Act 1980, any such appeal must be brought within 21 days of being notified of the refusal of the licence, consent or certificate of satisfaction or the imposition of conditions or requirements attached to the licence, consent or certificate of satisfaction as the case may be.

Penalties for Non-Compliance

IN GENERAL, in relation to a licence, consent or certificate of satisfaction granted to any person who fails to comply with the conditions or requirements attached or otherwise imposed upon the licence, consent or certificate of satisfaction, that person may be criminally liable to a financial penalty. In particular–

Generally-

Where an offence is committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly. In relation to a body corporate whose affairs are managed by its members “director” means a member of the body corporate.

A. In relation to section 169 of the 1980 Act, any person who—

- (1) in connection with any building or demolition work or the alteration, repair, maintenance or cleaning of any building, erection or retention of any structure on or over a highway of any scaffolding or other structure which obstructs the highway without a licence granted under this section; or
- (2) without reasonable excuse, fails to comply with the terms of any such licence, or fails—
 - (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 written directions given to him by the Council with respect to the
 - (c) erection and maintenance of traffic signs in connection with the structure, and 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,

shall be guilty of a criminal offence and liable to a fine.

B. In relation to a consent granted under section 171 of the 1980 Act, any person who—

- (1) fails to cause the obstruction or excavation to be properly fenced and/or during the hours of darkness, to be properly lighted, and
- (2) if required to do so by the Council, remove the obstruction or, as the case may be, fill in the excavation, shall be guilty of an offence and liable to a fine in respect of each day on which the contravention or failure occurs,
or
- (3) without reasonable excuse,
 - (a) contravenes any condition subject to which a consent is given, or
 - (b) fails to comply with any written directions given to him by the Council in respect of the erection of any traffic signs in connection with any deposit or excavation as mentioned in section 171 (1) of the Highways Act 1980,

shall be guilty of a criminal offence and liable to a fine in respect of each day on which the contravention or failure occurs.

C. In relation to a certificate of satisfaction granted under section 172 & 173 of the 1980 Act, any person who-

Subject to any order made on appeal, or any dispensation granted by the Council, if a person contravenes any provision of section 172 or section 173 of the 1980 Act, he shall be guilty of a criminal offence and shall be liable to a financial penalty, and if the offence is continued after conviction, he shall be guilty of a continuing offence and liable to a financial penalty for each day on which the offence is continued.

D. In relation to an application under section 174 of the 1980 Act, any person who, without lawful authority or excuse-

- (a) takes down, or alters or removes any barrier, traffic sign, support or light erected or placed in pursuance of sub-section(1) above or any fence, barrier, traffic sign or light erected or placed on or near a street in pursuance of any other enactment for the purpose of warning users of the street of any obstruction, whether caused by the execution of the works in or near the street or otherwise, or of protecting them from danger arising out of such an obstruction, or
- (b) extinguishes any light so placed,

shall be guilty of an offence and liable to a fine.



Metropolitan Police Service
Westminster Crime and Disorder Reduction Service
City Hall
64 Victoria Street
LONDON
SW1E 6QP

020 7641 1085

Date: 5th March 2020

For the attention of the Site Supervisor

Dear Sir/Madam,

There has been a noticeable increase in some areas within Westminster of burglary offences, where scaffolding has been climbed in order to gain entry to premises. Whilst the police are taking active steps to apprehend the offenders it must be understood that some of these offences may have been prevented had the scaffolding been secure.

I am appealing for your assistance by asking you to take steps to make sure your scaffolding structure is secure as detailed in your conditions of licence issued by Westminster City Council.

If you wish for any crime prevention advice concerning both building or scaffolding security then please contact the local Crime Prevention Officer for the area to which the application applies on the following numbers.

Belgravia Police: 020 7321 6814

Charing Cross Police: 101 (non-emergency phone number)

Westminster Crime and Disorder Reduction Service