

Raised Structure Permissions – Guidance

Orkney Islands Council

Civic Government (Scotland) Act 1982

These notes are for guidance only and are not an authoritative statement of the procedures and provisions relating to applications for permissions issued under the Civic Government (Scotland) Act 1982. Any person who requires further information should consult the Head of Legal Services, as undernoted, or a solicitor.

Licensing Requirement

1. No person shall use or permit the use of a raised structure for the purpose of providing for him/herself or others raised seating or standing accommodation, unless such use has been approved by the local authority in terms of section 89 of the Civic Government (Scotland) Act 1982 (the Act).
2. “Raised structure” means a platform, stand, staging or other similar structure and includes the flatbed sections of articulated lorries.
3. The Council has adopted an interpretation of “raised structure” to mean a platform, stand, staging or similar structure for the provision of raised seated or standing accommodation that is 600 mm or more in height.
4. Structures of less than 600 mm in height will not generally require formal permission, but the Council is obliged to consult the Scottish Fire and Rescue Service on all structures. Accordingly, the Council should be informed where a structure of less than 600 mm in height will be provided.
5. Where a structure is designed to be exactly 600 mm in height (or less) but, due to uneven floors on-site, may need to be packed or wedged up in places resulting in a situation where the on-site height may be a little over 600 mm in places, the view of the Council would be that the packing or wedging would potentially introduce additional stability risks. Accordingly, in such cases the structure would require formal permission and an application should be made.
6. The local authority may grant their approval if they are satisfied that the structure:
 - has been safely constructed and secured; and
 - has sufficient means of entrance and exit including means of escape in case of fire or other emergencyin relation to the circumstances in which it is to be used.
7. Permission under section 89 of the Act is not required for:
 - any structure for which a building warrant has been granted;
 - any structure in respect of which a building warrant is not required, by reason only of the date when it was built; or
 - scaffolding or similar equipment used in connection with work on a building or other structure.

8. Applicants will require to check whether they may require to obtain approval or meet any other obligation imposed under any other legislation, regulations or conditions of use of any premises.
9. The lodging of an application does not allow the applicant to proceed unless and until permission is granted and issued.

Conditions

10. The local authority may attach conditions relating to the use of the structure, including a condition as to the maximum number of persons permitted to use the structure. Common conditions relate to structural suitability and electrical compliance – these are shown below. The local authority may also prohibit the use of the structure if conditions are not complied with.
11. The following are standard conditions of any consent issued:
 - 11.1. You shall ensure that all works are undertaken in accordance with the IStructE Guide to Temporary demountable structures Fourth Edition.
 - 11.2. You shall ensure that the structure as erected is certified by a chartered engineer in accordance with IStructE Guidance prior to the use of the structure. You shall deliver the certificate to this office before (date).
 - 11.3. An electrical compliance certificate will be required where new works, for example the provision of a new electrical socket, are required to facilitate use of the raised structure. However, no electrical compliance certificate will be required for the use of portable electrical equipment, for example the connection of extension leads to an existing and approved electrical circuit within a building. The Council will seek the advice of the Principal Building Standards Officer in any case where there is doubt concerning the requirement for an electrical compliance certificate.
 - 11.4. Where an electrical compliance certificate is required, you shall arrange to have the electrical installation to the raised structure inspected and certified as safe by a certified electrician who is a member of NICEIC or other similarly approved trade organisation and shall ensure that the electrical installation is covered by a BS7671 Electrical Compliance Certificate, prior to the use of the structure. You shall deliver the certificate to this office before (date).

How to Apply for Permission

12. Application forms are available online at <https://www.orkney.gov.uk/Service-Directory/R/Raised-Structures.htm> or from:
 - Head of Legal Services, Council Offices, School Place, Kirkwall KW15 1NY;
 - Email licensing@orkney.gov.uk;
 - Telephone 01856 873535 extensions 2229 or 2232.

13. Applications must be lodged with the Head of Legal Services, Corporate Services, Orkney Islands Council at the address above no later than 6 weeks before the first day of the commencement of the activity.
14. Applicants who would like Council staff to check their applications must arrange an appointment in advance to ensure that staff will be available when they would like to come in.
15. Application forms must be completed legibly in block capital letters in black ink or typed. All questions must be answered.
16. Completed application forms must be returned to the address below along with:
 - the appropriate fee – refer to current fees published on our website at https://www.orkney.gov.uk/Service-Directory/L/Licences_2.htm; and
 - all accompanying technical information, drawings, insurance information and a location plan.
17. Applicants must also have put in place arrangements to obtain certificates, where the Council deems appropriate, in relation to:
 - structural suitability; and
 - electrical compliance.

Incomplete Applications

18. Incomplete applications shall be returned to the applicant.

Processing the Application

19. Applications will be referred to Police Scotland, the Scottish Fire and Rescue Service and any relevant department of the Council for comment.
20. If an application is granted, a Raised Structure permission will be issued.
21. If, during the processing of an application, the Council receives any objection or representation, we will send a copy to the applicant. The application and the objection or representation will then be referred to a meeting of the Licensing Committee. The applicant will be invited to attend the meeting and given the opportunity to address the Committee.

Offences

22. Any person who:
 - uses or permits the use of a raised structure which has not been approved by the local authority; or
 - contravenes a condition of the permissionshall be guilty of an offence and liable, on summary conviction, to a fine.

Data Protection

23. The information provided on application forms will be used by the Council to enable decisions to be made on applications. The Council is required to collect the information in terms of legislation. Applicants' information will be shared with a number of agencies which the Council is obliged to consult before making decisions on applications.
24. The Council is obliged to make available some information submitted on application forms. The Council publishes electronic public registers in the Related Downloads section of the following Council webpage:
<https://www.orkney.gov.uk/Service-Directory/C/Civic-Government-Licences--Approved-Licence-Lists.htm>.
25. The Council has published a guide to your rights under Data Protection legislation and how you can exercise these. This information is available on the Council's website at <https://www.orkney.gov.uk/Council/D/Data-Protection-Policy.htm> or can be requested by contacting the Council directly.
26. Information about how the Council will process your personal information is available on the Council's website at <https://www.orkney.gov.uk/Online-Services/privacy.htm>.

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