

## Streetworks Licence

### Notes for Guidance for Applicants

### Requirements of New Roads & Street Works Act 1991; Section 50

#### Introduction

The person granted a Street Works Licence becomes an Undertaker for the purposes of the New Roads and Street Works Act 1991 and must comply with the relevant duties and responsibilities imposed by the Act and associated Secondary Legislation and Codes of Practice. Financial penalties may arise to the licence holder for non-compliance with the relevant statutory duties or licence conditions. Applicants should note that this liability cannot be delegated to any other person or organisation.

The requirement to have a Street Works Licence applies to any person or organisation (other than a Statutory Body) who wishes to place, retain, and thereafter inspect, maintain, adjust, repair, alter or renew apparatus or change its position or remove it from the highway. The Street Authority (Westmorland & Furness Council) may grant a licence to install apparatus in (including under, over, across, along and upon) the public highway. If works to maintain, adjust, repair, alter or renew the apparatus are required in the future, the Licensee must inform the Street Authority and obtain permission to work on the apparatus. There will be a road space booking fee to do this.

**Applicants should note that works carried out under a street works licence must be undertaken by operatives and supervisors with the necessary accreditation required by the NRSWA. An accredited supervisor must supervise the work, and at least one accredited operative must always be on site when the works are in progress. N.B this cannot be the same person.**

The term apparatus includes drains, cables, ducts, water, and gas pipes etc. This Licence will apply to the apparatus, works and location described within the terms of this Licence.

To install a sewer or work on a sewer requires a Sewer Permit.

Westmorland & Furness Council will not issue a Street Works Licence for the installation of private non-passive apparatus – see document 'Installation of Private Apparatus in Publicly Maintained Highway'.

**Gas** - Please provide a copy of your Gas Industry Registration Scheme accreditation and you need to provide evidence that you have permission from the relevant gas company to connect into their network.

**Electric** - Any person or organisation wanting to install a private electricity supply across and above a public highway would need to provide a copy of their accreditation to prove that they are an Independent Connection Provider (ICP) or an Independent Distribution Network Operator (IDNO).

We also require a copy of the following documents - ES210 Form B Acceptance or Rejection of Outline Plan of Works from the Asset Adoption Manager at Electricity North West Limited and either of the following BAA if an ICP company or a BCA if an IDNO company. The ICP and Customer (generally the end user or developer) would sign up to a Bilateral Adoption Agreement (BAA). If there is an IDNO network being supplied beyond a DNO/IDNO interface (ring main unit, link box, feeder pillar, a notional point on a cable) then the IDNO would sign up to a Bilateral Connections Agreement (BCA).

**Connection into a watercourse or our drainage system** – Consent is required from Westmorland & Furness Council to discharge surface water into a watercourse or our drainage system. Please contact [LFRM.consent.WAF@cumbria.gov.uk](mailto:LFRM.consent.WAF@cumbria.gov.uk) for this permission and a copy must be provided with this application.

## **APPLICATION PROCEDURE**

**A(1)** The application form (SWL2) should be completed in full (in BLOCK capitals) and signed by the OWNER of the apparatus for authorisation to place and retain apparatus in the street, or to obtain a retrospective licence for existing unlicensed apparatus before any works commence and this must be submitted to the Street Authority along with scale plan 1:2500 or greater of the proposed location and depth of the relevant apparatus marked by a **red broken line**.

Each piece of apparatus requires a separate S50 Licence.

**A(2)** In order for the Street Authority to comply with legal requirements, all applications must be submitted at least 8 weeks in advance of the proposed works.



- A(3)** If you have any questions or problems relating to the application or the conditions please email the appropriate area office – details are at the end of these notes.
- A(4)** On receipt of your application, our compliance officer will carry out a site inspection.
- A(5)** It is an offence under S131 of the Highways Act 1980 to excavate in the highway unless a formal permit has been issued.
- A(6)** Where the works require a Temporary Traffic Regulation Order (TTRO) to either close the street or restrict the traffic speed, an application must be made a minimum of 12 weeks in advance of the start date of the proposed works to allow the Street Authority sufficient time to issue such an order.

### **COSTS**

- A(7)** We will contact you when your application has been processed (please see Westmorland and Furness Council's web site for the current fees and charges – [www.WestmorlandandFurness.gov.uk](http://www.WestmorlandandFurness.gov.uk)). You can make this payment by cheque, or we will send you our bank account details should you wish to pay by direct transfer. If paying by direct transfer, then please use S50 and the first line of your address as the payment reference.

This fee includes an administration fee (which is non-refundable) and the sum of £300 in respect of inspection fees for up to 200 metres of trench excavation for the Street Works permitted by the Licence (this element of the fee will be repeated for each part or full increment of 200 meters).

- A(8)** In the event of reinstatement being unsatisfactory, additional charges will be made to the contractor for defect inspections (please see Westmorland and Furness Council's web site for the current fees and charges – [www.WestmorlandandFurness.gov.uk](http://www.WestmorlandandFurness.gov.uk))
- A(9)** In the event of the street works being unreasonably prolonged a standard S74 overrun charge will be made to the contractor.
- A(10)** Additional costs may be charged if a bridge crossing is involved.

- A(11)** Should you need to change your contractor after the permit has been issued there will be a charge to do this (please see Westmorland and Furness Council's web site for the current fees and charges – [www.WestmorlandandFurness.gov.uk](http://www.WestmorlandandFurness.gov.uk)).
- A(12)** If the work has not been started on the agreed date, then you must contact the relevant office for the next available date and you may be charged to book the road space. These charges are in accordance with the Councils Permit scheme, and this is calculated by the duration of the works and the road type.
- A(13)** If you need to reactivate your permit, you will be charged a reactivation fee and you will also be charged to book the road space (please see Westmorland and Furness Council's web site for the current fees and charges – [www.WestmorlandandFurness.gov.uk](http://www.WestmorlandandFurness.gov.uk)).

## **GRANT OF LICENCE**

- A(14)** The Licensee will receive a Licence signed on behalf of the Street Authority, Westmorland & Furness Council.
- A(15)** The Licensee should note that: -
- Special conditions may be imposed by the Street Authority: -
- a) to minimise the inconvenience to persons using the street, having regard to people with a disability.
  - b) for Traffic Sensitive Streets, Streets with Special Engineering Difficulties and Protected Streets.
- A(16)** A street works Licence or consent to work on existing apparatus in the highway will only be granted to the Owner(s) of apparatus or his Successor(s) in Title. Owners should note their statutory duty to ensure that the apparatus is properly maintained at all times. It is the responsibility of the Licensee to obtain consent from the owners of the land on which the highway is situated to place apparatus on that land and to carry out street works on that land.



**A(17)** Where the Licensee proposes to cease using or abandon the apparatus or part with his interest in the apparatus, he has a statutory duty to inform the Street Authority of the change at least 6 weeks before doing so.

**A(18)** Where the Licensee under a street works Licence, granted to the owner of land and his successors in title, proposes to part with his interest in the land, he shall before doing so give notice to the Street Authority stating to whom the benefit of the licence is to be transferred by completing a transfer notice and obtaining the signature of the new owner. To assist the Licensee, comply with A(13) or A(14) a blank transfer notice will be sent with the signed Licence.

Where the Licensee proposes to assign the Licence he must first obtain the written consent of the Street Authority.

**A(19) The Licensee must indemnify the Street Authority against any claim made by a third party in respect of injury, damage or loss arising out of the placing or presence of the apparatus in the highway. The Licensee must ensure that any contractor carrying out works must have an up-to-date policy of public liability insurance with a limit of indemnity of not less than £5,000,000 (FIVE MILLION POUNDS) in relation to any one claim or series of claims without limit on the number of claims in any one year or other period. In the event of any action or claim by a third party, the Street Authority will seek to recover its costs in full of the Licensee. Without any Public Liability Insurance, the Licensee will be personally responsible and his/her property and possessions may be at risk. Thus, we strongly recommend that prior to works commencing that you request a copy of the insurance policy referred to above to demonstrate that the public liability insurance is in place.**

**A(20)** Where the apparatus, in respect of which an application for a Street Works Licence is made to the Street Authority, is to be placed or retained on a line crossing the street and not along the line of the street, a person aggrieved by: -

- a) the refusal of the Street Authority to grant him a Licence,
- b) their refusal to grant a Licence except on terms prohibiting its assignment, or
- c) any terms or conditions of the Licence granted to him

may appeal to the Secretary of State.

**REQUIREMENTS OF THE NEW ROADS AND STREET WORKS ACT 1991  
REGARDING NOTICING OF WORKS**

**A(21)** The Licensee’s contractor must agree the actual starting date and duration of the works before submitting the Works Start Notice. The Works Start Notice must conform to the matrix table below.

Table 1 Matrix of notice periods and response times							
	Notice Period		Validity Period		Response Time		
	S54	S55 / S57	S54	S55 / S57	S54	S55 / S57	S74
Major	3 months	10 days	15 days	5 days	1 month	5 days	5 days
Standard	n/a	10 days	n/a	5 days	n/a	5 days	5 days
Minor	n/a	3 days	n/a	2 days	n/a	2 days	2 days
Immediate	n/a	2 hours after	n/a	n/a	n/a	any time during works	2 days
S54	Advance notice of certain works						
S55	Notice of starting date of works						
S57	Notice of emergency works						
S74	Charge for occupation of the highway where works are unreasonably prolonged						

Ten days’ notice is required for works lasting more than 3 days unless the Street Authority agrees to a reduced notice period. Starting work without a Notice or before the end of the notice period is an offence with a maximum fine of £2,500.

**A(22)** A copy of the Works Start Notice must also be given to Statutory Utilities and to any other person who has apparatus in the highway which is likely to be affected by the works. You must notify the Street Authority no later than 2 hours after the work have started.

**A(23)** If emergency works have to be done to prevent or halt circumstances which are likely to cause danger to persons or property the Licensee or the Licensee’s contractor must inform the **Highways Hotline on 0300 373 3306** and this must be done as soon as practicable or if not, within two hours of the start of the emergency works.



**A(24)** When the works have been completed and the site is clear the Licensee's contractor must notify the Street Authority by sending a Works Closed Notice. All spoil, excess materials, stores, signing, lighting and guarding must be removed from site before the works can be regarded as clear for a Works Closed Notice. The Works Closed Notice must be submitted by the end of the working day on which the public highway was fully returned to public use.

If temporary road markings have been used, the works are not complete until the permanent markings are applied.

In the case of interim reinstatements these must be made permanent within 6 months otherwise the reinstatement becomes a defect.

The completion of the registration of the Reinstatement Notice (interim and permanent) should be sent in within 10 days of completing the reinstatement(s).

To ensure that you do not remain indefinitely responsible for the reinstatement please return the enclosed registration of reinstatement notice.

**A(25)** The Licensee's contractor shall complete the work to the required standard as detailed in the Specification for the Reinstatement of Openings in the Highway. If the work is not satisfactory you will be notified and will be required to make good the defective work and pay standard national charges for any defect inspections carried out by the Street Authority. If these defects have not been corrected within 27 working days, the Street Authority may carry out the necessary works and recover its costs.

**Note: Relevant forms will be issued to the Licensee when the licence is granted.**

## **OTHER REQUIREMENTS OF NEW ROADS AND STREET WORKS ACT 1991**

**B(1)** The Licensee must ensure their contractor permits the Street Authority to monitor their performance throughout all stages of Street Works to ensure that he is complying with his duties under the Licence and the New Roads and Street Works Act 1991. This includes inspection of works throughout phases of works and to ascertain whether the Licensee's contractor has complied with the reinstatement

requirements. Remedial works because of failure to comply with such requirements shall be paid for by the Licensee's contractor.

Category A) undertaken during the progress of the works

Category B) undertaken within the six months following permanent reinstatement

Category C) undertaken within the three months preceding the end of the guarantee period

The guarantee period, during which the Licensee's contractor will be liable for any claims for damages resulting from defective reinstatements, will begin from the date the Street Authority is notified of the permanent reinstatement and will be for 2 years for excavations up to 1.5m deep and 3 years for deeper excavations. When the Licensee's contractor is notified of any defective reinstatements or inadequate signing he must comply with the requirements of the Code of Practice for Inspections. Where the Street Authority has to rectify any defective reinstatements or carry out any signing, guarding, or lighting of the highway to make the site safe the Licensee's contractor will be charged the costs. Standard national charges for defect inspections and investigatory works will be charged if any defective reinstatements are encountered. Please note, that since *BT v Nott's* the guarantee period and liability for the reinstatement only relates to reinstatements that have been carried out in accordance with the Specification.

**B(2)** The Street Authority may give the Licensee or Licensee's contractor directions where appropriate as to the time when the Street Works may be carried out, or on what days, and in certain circumstances the time on those days, that the street works may be carried out, directions will generally only be given where the Street Authority considers that the proposed street works are likely to cause serious disruption to traffic.

**B(3)** The Licensee's contractor shall complete the street works as soon as possible. The duration of the works must be agreed with the Street Authority before the Works Start Notice is returned. Any works which are unreasonably prolonged beyond the agreed duration period will incur overrun charges as set out in Section 74 of the New Roads and Street Works Act 1991.

The charge per day overrun varies between £250 and £5,000 dependent on the road category in which the works are taking place.

- B(4)** The Licensee or Licensee's contractor must satisfy any requirements of the Street Authority and any Statutory Undertaker or person who has apparatus in the highway that is likely to be affected by the works. This may include agreement of the way in which works are carried out and the Licensee or Licensee's contractor must give the apparatus owner reasonable facilities to monitor the works and must co-operate to enable access to and protection of the apparatus.
- B(5)** The Licensee's contractor must comply with Section 80 of the New Roads and Street Works Act 1991 which places a duty on them to take reasonable steps to inform Statutory Undertakers of the location of apparatus, which they may discover when excavating in the highway, which is not marked or is wrongly marked in the services information provided. If a contractor is unable to identify the owner, he must inform the Street Authority of the location and general description of the apparatus.
- B(6)** The issue of a Licence shall not relieve a contractor of their liability in respect of damage to Statutory Utilities plant. Services information drawings will be sent to the contractor with the permit. Please note any disclaimer issued with this information by the Statutory Utilities. Advice from the Health and Safety series booklet HS (g) 47 "Avoiding danger from underground services", should be followed and cable locators used.
- B(7)** Any surface apparatus that requires adjustment must be adjusted in line with the requirements of the owner of the apparatus. It is the responsibility of the applicant to inform the owner of the apparatus that they are going to adjust the apparatus.
- B(8)** The Licensee's contractor shall co-operate with the Street Authority and with other Undertakers during the works in the interests of safety and shall minimise inconvenience to persons with a disability who use the highway.
- B(9)** The Licensee's contractor executing street works must ensure that the works are supervised by a person who has been accredited to a minimum standard of Units 1, and 10-16 inclusive of the Street Works Award or equivalent and that there is on site at all times when the works are in progress during all working hours at least one trained operative who has been accredited to a minimum standard of Units 1-9 inclusive of the Street Works Award or equivalent.

- B(10)** Contractors must provide the name of the Site Supervisor that will oversee the works, with a copy of their up-to-date street works qualification or equivalent and a contact number will be required for the Site Supervisor who must be contactable outside normal working hours in case of emergencies. Also, the name of at least one out of every three operatives that will be undertaking the work on site, with a copy of their up-to-date street works qualifications or equivalent and a contact number will be required for the named qualified operative, who must be contactable during normal working hours.
- B(11)** The Licensee's contractor shall make sure that the highway is adequately guarded and lit where any part of it has been opened and/or where plant/materials obstruct the highway. The works must be signed, guarded, and lit in accordance with the current edition of the Code of Practice "Safety at Street Works and Road Works", published by HMSO. Failure to do so will be a breach of the New Roads and Street Works Act 1991 section 65. All works must have an information board erected on site, in line with page 23 of the Codes of Practice.
- B(12)** If an existing footway is affected by the works the needs of pedestrians, especially disabled and visually impaired persons, must be catered for. Temporary ramps must be provided at crossing points and the surface of footways must be completed to the satisfaction of the Street Authority as soon as possible.
- B(13)** Works found to be unsafe or inadequately protected by barriers and/or traffic control will be attended to by the Street Authority, for which a charge will be made at the appropriate emergency call out rates.
- B(14)** If a contractor needs to use portable traffic signals, he must notify the Street Authority at least **7 days** in advance and request an application form. There is no additional charge for this permit.
- B(15)** Any area of highway or items of street furniture or drains owned by the Street Authority damaged because of the works will be repaired or replaced by the Street Authority and the cost charged to the contractor.
- B(16)** The Licensee's contractor must reinstate the street in accordance with the HAUC Specification for the Reinstatement of Openings in Highways.



- B(17)** In accordance with Section 76 of the New Roads and Street Works Act 1991 the Licensee will be responsible for the cost of any temporary traffic regulation orders or notices, e.g., temporary road closures which may be necessary in connection with the carrying out of the street works.
- B(18)** Owners of buried apparatus in the highway must make record drawings available for inspection as required by the Code of Practice for Recording of Underground Apparatus. For practical reasons this will be done by the Street Authority who will make and retain a record drawing and when required will make it available for inspection by persons proposing to excavate in the highway.

Please either post your application to Westmorland & Furness Council, Streetworks, South Lakeland House, Lowther Street, Kendal, Cumbria, LA9 4DQ or email your application to

[streetworks@westmorlandandfurness.gov.uk](mailto:streetworks@westmorlandandfurness.gov.uk)

If you have any questions/queries regarding your application, then please email or call the highways hotline on 0300 373 3306.