

**FORM SWL1A - STREET WORKS LICENCE  
(SECTION 50 - NEW ROAD AND STREET WORKS ACT 1991)**

**NOTES FOR GUIDANCE FOR NEW APPARATUS IN THE HIGHWAY**

**A – GENERAL**

1. Any person or organisation who wishes to place, retain and therefore inspect, maintain, adjust, repair, alter or renew, change the position or remove apparatus from the highway must obtain a Street Works Licence.
2. The term apparatus includes drains, cables, ducts, sewer pipes, water and gas pipes, etc, both under, over, across, along or upon the Highway.
3. The person granted a Street Works Licence, becomes an Undertaker for the purpose of the New Roads and Street Works Act 1991, and therefore attracts the relevant duties and responsibilities imposed by the Act and associated Secondary Legislation and Codes of Practice.

**APPLICANTS MUST BE ACCREDITED OR APPOINT A CONTRACTOR WITH THE APPROPRIATE KNOWLEDGE AND ACCREDITATION TO HELP COMPLETE THE APPLICATION AND CONDUCT THE WORK ON THEIR BEHALF.**

**B - NEW APPARATUS**

**Form SWL2 must be completed by the applicant** for authorisation to place and retain apparatus in the Highway, and must be submitted to the Street Authority with:

1. **A copy of a scale plan** at 1/2500 or greater of the proposed location and depth of the relevant apparatus marked by a red broken line. The boundary of the property to which the apparatus relates shall be edged in blue.
2. **Proof of Public Liability Insurance.** This must provide a minimum £5m cover and be maintained from commencement of the works on the Highway to completion and acceptance by the Street Authority of the permanent reinstatement. The Licensee must provide ongoing indemnity for the Street Authority against any claim in respect of injury, damage or loss arising out of:
  - the presence in the street of apparatus to which the Licence relates, or - the execution by any person of any works authorised by the Licence.
3. **Payment in advance of £750** consisting of :-
  - £500 Administration Fee
  - £100 Capitalised Fee in lieu of annual charge
  - £150 Inspection Fee for each 200m length or part thereof.Payable to Leicestershire County Council by BACS.  
Account Number 87418460, sort code 60-60-06 quoting reference 313273AW8315

The Highway Authority has power under section 75 to inspect works being carried out and reinstatements for compliance with under the Inspections Code of Practice <https://www.gov.uk/government/publications/street-works-inspections>.

All reinstatements must conform to the Specification of Reinstatement of Openings in Highways <https://www.gov.uk/government/publications/specification-for-the-reinstatement-of-openings-in-highways>.

The authority can charge the undertaker £50 per unit of inspection, which is based on the duration of the works. Inspections can be carried out while works are taking place, up to 6 months after completion and up to 2 years after the registration of the permanent reinstatement, or 3 years for deep excavations. If the authority finds a defective reinstatement, they can charge £120 for a follow-up inspection to check that it has been repaired.

#### **4. Proof of N.R.S.W.A. accreditation for Supervisors and Operatives.**

It is a requirement under NRSWA for there to be a qualified operative on site at all times while street works are in progress. The qualifications held must be appropriate for the work being carried out. NRSWA also requires that the site be supervised by a person having a prescribed qualification as a supervisor. The supervisor is not required to be on site at all times.

[Read more about Street works qualifications in England: guidance for operatives and supervisors.](#)

### **C - SPECIAL CONDITIONS**

The Street Authority may impose special Conditions:

1. In the interest of safety: (e.g. Traffic Light Control)
2. To minimise the inconvenience to persons using the street, having regard to people with a disability in particular.
3. For Traffic Sensitive Streets, Streets with Special Engineering Difficulties and protected Streets and to protect the structure of the Street and the integrity of the apparatus in it. (e.g. Restricted Working Hours).
4. To comply with Section 69 of the Act where street works are likely to affect other persons apparatus in the street, applicants must take all reasonable practicable steps to:
  - give the person to whom the apparatus belongs reasonable facilities for monitoring the execution of the works
  - comply with any requirement made by him which is reasonably necessary for the protection of the apparatus or for securing access to it

Therefore, ALL Statutory Undertakers must be contacted before the commencement of any works to identify whether the proposed works will affect their apparatus.

**Applicants should note that the issue of a Licence by the Street Authority does not confer any right on the Licensee, as against the owners of land on which the Highway is situated, to use the land. The Licensee must make his own arrangements with such owners in cases where their consent is needed. The land on which the Highway is situated is generally (but not always) in the ownership of the adjacent landowner.**

## **D - NOTIFICATION PROCEDURES**

All applications must be submitted **ONE MONTH** in advance of commencement of the proposed works in order for the Street Authority to comply with statutory duty. The application form SWL2 must be completed and submitted with documents and payment as detailed. A shorter period may be agreed by the Street Authority in conjunction with the other Undertakers likely to be affected. The Licensee **must**:

1. **Give SEVEN DAYS advance notice** of the intended starting date to the Street Authority using Form SWL4.

2. **Permit the Street Authority to monitor** the applicant or appointed contractors performance throughout all stages of street works. These are:

Cat. A During progress of the works

Cat. B Within 6 months of interim or permanent reinstatement

Cat. C Within 3 months before end of guarantee period

3. **Inform the Street Authority of the completion of the reinstatement** by the end of the following working day, stating whether the reinstatement is interim or permanent. An interim reinstatement must be made permanent within 6 months. The interim reinstatement must be maintained until made permanent. It is in your interest to ensure that form SWL5 is sent as soon as possible.

**The end guarantee period is set from the date Form SWL5 is received for the permanent reinstatement. Back dated registrations are not permitted under the Act.**

4. **Complete a Controlled Waste Transfer Note** where waste from the excavation has to be disposed of. The Licence Holder must retain a copy of the completed form with a copy given to the person accepting the waste

## **E. DEFECTIVE WORKS**

1. All reinstatements should be completed in accordance with the <https://www.gov.uk/government/publications/specification-for-the-reinstatement-of-openings-in-highways>

2. Non-compliant reinstatements will be dealt with under the procedure described in the <https://www.gov.uk/government/publications/street-works-inspections>. Defect inspections fees will be charged at the current rate.

3. If the authority has to take any action under section 72 of NRSWA, they may recover the reasonable costs from the undertaker responsible

## **F. PENALTIES AND FINES**

**FINANCIAL PENALTIES** will be imposed on 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.

Other penalties that apply to undertakers include section 50 licensees, for example:

- Section 74 charges for overrunning works, which can be up to £10,000 per day
- Fixed penalty notices can be issued for late registration of reinstatements and works start and stop notices – see the [Co-ordination code of practice](#) for more information. Fines will be issued of £240 - reduced to £160 if paid within 29 days.

## **G - FUTURE ADOPTION OF PRIVATE APPARATUS IN THE HIGHWAY**

The Licensee **shall** inform the Highway Authority where a Statutory Undertaker adopts the apparatus at a later date.

The Licensee **shall** furnish confirmatory details of the adoption from the Statutory Undertakers to ensure there is no ambiguity regarding future responsibility for the apparatus within the Highway. The Licensee should be aware that responsibility for the reinstatement would remain with the Licensee even though the apparatus may be formally adopted, unless the Statutory Undertaker is willing to accept responsibility.

## **H – REFUSAL OF APPLICATION / RIGHT OF APPEAL**

Reasonable grounds for refusing applications might include the following, but is not limited to:

- apparatus placed longitudinally in the highway
- apparatus facilitating the movement of hazardous materials without appropriate consents, agreements and public protection
- apparatus that may, due to line and level, prejudice the integrity of the highway
- apparatus that may, due to line and level, prejudice the highway authority's ability to manage and maintain the highway safely and efficiently
- apparatus that may, due to line and level, prejudice the access to or maintenance of private property

Applicants may appeal to the Secretary of State if refusal is undertaken.

**All correspondence relating to this application should be addressed to;**

**Leicestershire County Council,  
Environment & Transport Department,  
Highways Office  
Arbor Road  
Croft  
Leicestershire  
LE9 3GE**

**Telephone: 0116 30521163**

**Email: [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk)**