

**STREET WORKS LICENCE
(SECTION 50 - NEW ROAD AND STREET WORKS ACT 1991)
NOTES FOR GUIDANCE FOR EXISTING 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.**
4. **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. These charges could include Section 74 charges under the New Roads and Street Works Act for overruns on site (up to £10,000 per day). Legislation also allows us to charge Fixed Penalty Notices, the applicant must advise us of the start and end dates of the works and provide all reinstatement registration details. Failure will incur a fine of £240, reduced to £160 if paid within 29 days.

B - EXISTING APPARATUS

A Street Works Licence for consent to work on existing apparatus in the Highway, will only be granted to the owner(s) of apparatus or their Successor in Title. **Owners should** note their statutory duty to ensure that the apparatus is properly maintained at all times.

Form SWL3 must be completed by the applicant for consent to work on existing apparatus in the Highway, and this must be submitted to the Street Authority with:

1. **Proof of Public Liability Insurance.** This must indemnify the Street Authority against any claim in respect of injury, damage or loss arising from the works and 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.

For excavations less than 1.5 metres in depth this period will be a minimum of 2 years from the permanent reinstatement. For excavations greater than 1.5 metres this period will be a minimum of 3 years.

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.

2. **Payment** in advance totalling **£450.00** (payable to Leicestershire County Council) consisting of: -
£300 Administration Fee
£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
3. **Replies from Statutory Undertakers** regarding position of equipment and any special requirement.
4. **Proof of N.R.S.W.A. accreditation** for Supervisors and Operatives.

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 another person's apparatus in the street, applicants must take reasonably 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. Confirmation of this should be provided along with the application. (Form SWL6 is provided for you to use as a standard format to contact all Statutory Undertakers).

- 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 SWL3 must be completed and submitted with documents and payment as detailed in points 1,2,3 and 4 in part B above. 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 (From SWL7) where any 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.

DEFECTIVE WORKS

Defective reinstatements will be dealt with under the procedure described in the Code of Practice for inspectors. <https://www.gov.uk/government/publications/street-works-inspections>.

Defect inspections fees will be charged at the current rate.

E - 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.

F - RIGHT OF APPEAL

Where the apparatus in respect of which an application for 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:

1. The refusal of the Authority to grant him a Licence.
2. Their refusal to grant a Licence except on terms prohibiting its assignment or
3. Any terms or conditions of the Licence granted to him,

May appeal to the Secretary of State.

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**