

# MIDDLESBROUGH COUNCIL

## STREET WORKS LICENCE PROCEDURE SECTION 50

### NEW ROADS AND STREET WORKS ACT 1991

This procedure contains the following: -

	Request to Open Up Highway	
Part 1	Notes for Guidance for Applicants	(Form SWL1)
Part 2	Street Works Licence Application/Conditions/Authorisation	(Form SWL2)
Part3	Statutory Undertakers Declaration/Requirements	(Form SWL4)
Part 4	Controlled Waste Transfer Note	(Form SWL5)
Part 5	Notice of Works Including Responses	

**ALL SECTIONS TO BE COMPLETED**



## REQUEST TO OPEN UP HIGHWAY

Application made by Name & Job Title if applicable

On Behalf of Applicant

Relationship to Applicant

Details of Highway & Expected Duration of works

Highway Details

### **NRASWA 1991 - STREET PART**

- |  |                          |
|--|--------------------------|
| 1 Does proposed Contractor's organisation comply with the accreditation set out in item 1 in the notes for guidance? | <input type="checkbox"/> |
| 2 Is it existing or new apparatus?   | <input type="checkbox"/> |
| 3 Have Waste disposal requirements been satisfied  | <input type="checkbox"/> |
| 4 Has a copy of the Public Liability Indemnity Cover (Min £5m) been attached   | <input type="checkbox"/> |
| 5 Has consultation taken place with the Statutory undertakers to locate apparatus?                                   | <input type="checkbox"/> |
| 6 Have appropriate plans been received?  | <input type="checkbox"/> |
| 7 Is a road closure required?  | <input type="checkbox"/> |
| 8 Does it encroach upon a traffic sensitive route?   | <input type="checkbox"/> |
| 9 Is permanent reinstatement to be undertaken by the Contractor?   | <input type="checkbox"/> |
| If no then who is?   | <input type="checkbox"/> |
| 10 Is a Temporary Traffic Signal Notification form STA15F02 required? If so 3 copies to be completed                 | <input type="checkbox"/> |
| 11 Have RASWA Certificates been attached   | <input type="checkbox"/> |
| 12 Anticipated start date  | <input type="checkbox"/> |

#### NOTES:

1 Any failure to abide by any of the conditions involved on this form may lead to additional on charges being levied and possible fine

2 The Public Liability cover must be maintained from the commencement of the works on the highway up to completion and acceptance by the street authority of the Permanent re-instatement as specified in the Act

EXTRACT FROM SCHEDULE 3  
NEW ROADS AND STREET WORKS ACT 1991

GRANT OF LICENCE

Before granting a Street Works licence the Street Authority shall give not less than ten working days notice to each of the following: -

- a) where the works are likely to affect a public sewer, to the Sewer Authority.
- b) where the works are to be executed in a part of a street which is carried or crossed by a bridge vested in a transport authority, or crosses or is crossed by any other property held or used for the purposes of a transport authority, to that
- c) where in any other case the part of the street in which the works are to be executed is carried or crossed by a bridge, to the bridge authority.
- d) to any person who has given notice under section 54 (advance notice of certain works) of his intention to execute street works which are likely to be affected by the works to which the licence relates, and
- e) to any other person having apparatus in the street which is likely to be affected by the works.

**MIDDLESBROUGH COUNCIL**  
**NEW ROADS AND STREET WORKS ACT 1991**  
**SECTION 50 STREET WORKS LICENCE**

**PART 1 - NOTES FOR GUIDANCE FOR APPLICANTS**

1. The person granted a Street Works Licence becomes an undertaker for the purposes 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. (NB Those applicants not familiar with the requirements of this legislation are strongly advised to appoint a contractor with the appropriate knowledge and accreditation to help complete the application and conduct the works on their behalf. Contractors without appropriate knowledge and accreditation will not be permitted to work highway)
2. 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.
3. The requirement to obtain a Street Works Licence applies to any person or organisation (other than anyone acting under a statutory right) 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.
4. The term apparatus includes drains, cables, ducts, sewer pipes, water and gas pipes etc both under, over, across, along or upon the highway.
5. A Street Works Licence to place apparatus or consent to work on existing apparatus in the highway will only be granted to the owners(s) of apparatus or their Successor in Title. Owners should note their Statutory duty to secure that the apparatus is properly maintained at times.
6. In order for the Street Authority to comply with its statutory duty, all applications must be submitted at least ONE MONTH in advance of commencement of the proposed works. A shorter period may be agreed by the Street Authority in conjunction with the other undertakers likely to be affected. The application form must be signed by the owners of the existing or proposed apparatus.
7. Applicants should note that: - Special conditions may be imposed by the Street Authority:
  - a) In the interests of safety.
  - b) To minimise the inconvenience to persons using the Street, having regard to people with a disability in particular.
  - c) For Traffic Sensitive Streets, Street with Special Engineer Difficulties and Protected Streets, and to protect the structure of the street and the integrity of the apparatus in it.

**NB** The applicant must strictly adhere to these conditions.
8. The Duty of care: controlled Waste Transfer Note must be completed where any waste from the excavation has to be disposed of. A copy of the completed form must be retained by the Licence Holder with a copy given to the person accepting the waste.
9. The licensee must give the required advance notice of the intended starting date to the Street Authority using Form Notice Of Works Including Responses
10. The licensee must permit the Street Authority to monitor his or his contractor's performance throughout all stages of street works. These are: -
  - a) signing, guarding and excavation
  - b) signing, guarding and reinstatement
  - c) immediately after permanent reinstatement
  - d) between 6 and 9 months after permanent reinstatement, and
  - e) during the one month preceding the end of the guarantee period (this period will begin from the date the Street Authority is notified of the permanent reinstatement and will be for two years for excavations up to 1.5m deep and three years for deeper.
11. The licensee must inform the Street Authority of the completion of the reinstatement by the end of the following working day, stating whether it is interim or permanent. If an interim reinstatement is carried out this must be made permanent within six months.

12. The licensee must completed and submit Form Notice Of Works Including Responses to the Street Authority within seven days of completion of the works and clearing the site.
13. 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 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 appear to the Secretary of State
14. Prior to issue of the licence, Form SWL4 must be circulated to all Statutory undertakers to identify whether their apparatus will be affected by the proposed works. The circulation will be undertaken by the licensee.

15. **NEW APPARATUS**

Form SWL2 must be completed by the applicant for authorisation to place and retain apparatus in the highway, and this must be submitted to the Street Authority with;

- a) 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 £5,000,000 cover, and be maintained from commencement of the works on the highway up to completion and acceptance by the Street Authority of the permanent reinstatement. Ongoing indemnity must be provided for the Street Authority by the licensee 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 of any works authorised by the licence.
- b) Payment in advance of:  
£148 Administration Fee (non-returnable)  
£167 Capitalised Fee in lieu of annual charge  
£121 Inspection Fee for each 200m length of opening of part thereof
- c) Completed Declaration Form SWL4 in advance (Statutory undertakers Declaration/Responses).

16. **DEFECTS**

In the event of a defective reinstatement, an additional fee of £121 per inspection (max 3) for each 200m length will be charged in respect of additional inspections to correct that defect.

**Street Works Licence Application for Conducting Work on NEW Apparatus in the Highway,  
Section 50, New Roads and Street Works Act 1991**

(NB Those applicants not familiar with the requirements of this legislation are strongly advised to appoint a contractor with the appropriate knowledge and accreditation to help complete this application and to conduct the works on their behalf). Non-compliance with any requirement of the New Roads and Street Works Act 1991 may result in severe financial penalties.

<b>SECTION 1 OWNER OF APPARATUS</b>	
Surname	Forename(s)
Or full Registered Name of Company	
Address	Tel. Work Home
Postcode	
<b>SECTION 2 PRECISE LOCATION OF PROPOSED WORK</b> tick boxes where necessary (Detailed plan to be submitted with form)	
Property Reference	<b>Road/Street</b>
<b>District</b>	<b>Town/Village</b>
<b>Postcode:</b>	<b>National Grid Reference (12 figure):</b>
Category of Works	Emergency Special Urgent Urgent Major Project Minor with excavation Minor without excavation No excavation
Type of works (e.g. duct, pipe, cable):	
Estimated length of works (m)	Average depth of Excavation: Up to 1.5m Over 1.5m None
Proposed start date:	Estimated duration of works ____ Hours ____ 8_ Days Months
Planned finish date:	
Hours of working:	Daylight 24 Hours Night-Time AM only PM only
Work lies within	Verge Footway Carriageway All
Proposed Traffic Control	Stop Go boards Temp. Traffic Signals Road Closure Priority Flow None
<b>SECTION 3 DETAILS OF PERSON/COMPANY CONDUCTING THE WORKS</b>	
Name:	
Address :	Tel. No
<b>SECTION 4 INSURANCE</b>	
Public Liability Insurance of a minimum of £5 million must be provided up to completion of the permanent reinstatement. (Proof to be submitted with this form).	
Company Name:	Address:
Tel. No:	Policy No: Expires (date)
<b>SECTION 5 DECLARATION BY OWNER OF APPARATUS</b>	
I confirm that the foregoing details are correct, and acknowledge that the works referred to above must be conducted in accordance with the requirements of the New Roads and Street Works Act 1991, and associated legislation and Codes of Practice, together with any other conditions imposed by the Street Authority in the relevant licence.	
I also acknowledge the Statutory need for me to pay the prescribed inspection fees which will be imposed by the Street Authority, including any defect inspection fees and the cost of any necessary remedial works conducted by the Street Authority during the guarantee period along with the required administration/capitalised annual charge fees.	
I also acknowledge that the licence is granted on the condition that I will indemnify the Street Authority against any damage in respect of injury, damage or loss arising out of	
a)the placing of presence in the street of apparatus to which the licence relates, or	
b)the execution by any person of any works authorised by the licence	
I also acknowledge that I have read and understand the Notes for Guidance contained in Part 1 (Form SWL1).	
Signed:	Date:
In the capacity of:	

SECTION 6

CONDITIONS

- 1 The Street Authority for the highway mentioned in Section Two of form SWL2 (hereinafter called the highway) hereby grant to the party named in Section One of Form SWL2 (hereinafter called 'the Licensee') with the intent that the same Shall benefit and run with the property described in Section Two of form SWL2 hereto Licence under Section 50 of the New Roads and Street Works Act 1991 to place and leave In The highway in the position Shown a red broken line the plan attached hereto the apparatus thereafter referred to as 'the Apparatus') short: particulars of which are set out in Section two of form SWL2 hereto and to maintain repair and reinstate the Apparatus and break open and have access to the Highway for those purposes upon the relevant conditions and provisions contained in Schedule 3 of the said Act and the licensee hereby accepts the Licence upon the Subject to the said terms and conditions and provisions.
- 2 This licence is granted to the owner of apparatus and his Successors in Title and where he proposes to part with his interest in the apparatus. He shall before doing so give at least SIX weeks written notice to the Street Authority of the intention to abandon the apparatus or transfer the licence stating to whom the benefit of the licence is to be transferred, and also give written notice to the Street Authority of the date of transfer
- 3 The licensee shall ;
  - a) Conduct all the relevant works in accordance with the requirements of the New Roads and Street Works Act 1991 and its associated Secondary legislation and Codes of Practice.
  - b) indemnify the Street Authority against any claim in respect of injury. damage or loss arising out of
    - i the placing or presence in the street of apparatus to which the licence relates, or
    - ii the execution by any person of any works authorised by the licence: and former licensee shall indemnify the Street Authority against any claim in respect of injury. damage or loss arising out of the execution by the Authority or the licensee of any works under Paragraph 7.
  - c) gives at least six weeks written notice to the Street Authority of his intention to cease using or abandon the apparatus.
- 4 The licensee shall pay the Street Authority in connection with the grant of the licence the relevant fees.
- 5 Any licence issued under this procedure by the Street Authority must not be constructed as conferring any right for the applicant to make any connection to a sewer, drainage, pipe, cable or other apparatus.
- 6 The licence hereby granted shall remain in force until withdrawn by the Street Authority under Schedule 3 of the New Roads and Street Works Act 1991 or surrendered to the Street Authority by the licensee

**The Licence**

- 7 The Street Authority may determine this licence at any time:
  - a) on the expiration of such period as may be specified in the notice being a period of not less than seven working days beginning with the date of service of the notice on the licensee if any condition of this licence is contravened by the licensee or if the Street Authority becomes aware of the fact that the licensee intends to cease using or has abandoned the apparatus or intends to do so,
- or
- b) the licensee has parted with or intends to part with his interest in the apparatus in a case where assignment of the licence is prohibited, or
- c) the Street Authority considers the withdrawal of the licence is necessary of the purpose of the exercise of their function as Street Authority.

**NB** Under sub paragraph (c) not less than 3 months notice will be given by the Street Authority

- 8 Where a licence expires or is withdrawn or surrendered the Street Authority
  - a) may remove the apparatus to which the licence relates or alter it in such manner as they think fit and reinstate the street and may recover from the former licensee the expenses incurred by therein in doing so.
  - b) if satisfied that the former licensee can. within such reasonable time as they may specify. remove the apparatus or alter it in such a manner as they may require and reinstate the street. they may authorise him to do so at his own expense. A further licence will be required for such works.
- 9. The licence 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.
- 10. In this licence the terms 'Licence' shall include the Successor in Title- Personal Representative - Receiver - Liquidator of Trustee of the Licensee 'Highway' shall include and apply to each and every Highway, when more than one Highway is specified in the Section 2 of form SWL2 hereto.

SECTION 7	AUTHORISATION
Additional Conditions	

Signed \_\_\_\_\_ Dated: \_\_\_\_\_

On behalf of Street Authority \_\_\_\_\_

**IMPORTANT** All communications relating to this licence should be addressed to Transport and Infrastructure, Middlesbrough Council, PO Box 504, Civic Centre, Middlesbrough, TS1 9FY

NEW ROADS AND STREET WORKS ACT 1991  
SECTION 50 - STREET WORKS LICENCE

I have applied to Middlesbrough Council for a Street Works Licence to place/maintain apparatus at:-

Address:

Location (e.g. carriageway, footway or verge)

and would ask you to indicate below whether you have any apparatus at the location in question which may be affected by these works. Plan attached.

Signed

Date

Address:

STATUTORY UNDERTAKER'S RESPONSE

Statutory Undertaker

Apparatus Affected

Special Requirements

Company Stamp

Date



## SECTION 50 ADDRESSES

- |    |  |    |  |
|----|--|----|--|
| 1  | <p>Energis Communications<br/>Streetworks Department<br/>Claremont House<br/>Croxley Business Park<br/>Watford<br/>Herts, WD18 8TR</p>                         | 8  | <p>Gas Transportation Company<br/>Woolpit Business Park<br/>Woolpit<br/>Bury St Edmonds<br/>Suffolk<br/>IP20 9UQ<br/>FAO Steve Reid</p>          |
| 2. | <p>Atkins NRSWA Department<br/>The Hub<br/>500 Park Avenue<br/>Aztec West<br/>Almondsbury<br/>Bristol BS32 4RZ</p>   | 9  | <p>Telewest Communications<br/>Genesis Business Park<br/>Albert Drive<br/>Woking<br/>Surrey<br/>GU21 5RW</p>                                     |
| 3  | <p>Northumbrian Water Ltd<br/>Abbey Road<br/>Pity Me<br/>Durham DH1 SFJ<br/>FAO Mr D Powell,<br/>Enquiry Co-ordinator</p>                                      | 10 | <p>THUS<br/>Civil Construction Department<br/>75 Waterloo Street<br/>Glasgow<br/>G2 7BD</p>  |
| 4. | <p>British Telecom<br/>pp 404B<br/>Telecom House<br/>Trinity Street<br/>Hanley<br/>Stoke on Trent<br/>ST1 5ND</p>  | 11 | <p>National Grid Company Plc<br/>Transmission Enquires Team<br/>P O Box 3484<br/>Warwick<br/>CV34 6TG</p>  |
| 5  | <p>Connect<br/>Ocean Park House<br/>East Tyndall Street<br/>Cardiff</p>  | 12 | <p>Sky Telecommunications Ltd<br/>70 Buckingham Avenue<br/>Slough<br/>SL1 4PN</p>  |
| 6  | <p>NEDL Records Information<br/>Records Applications Manager<br/>New York Road,<br/>Shiremoor<br/>Newcastle Upon Tyne.<br/>NE27 0LT.<br/>FAO Ian Foster</p>    | 13 | <p>British Gas Transco<br/>Customer Services<br/>1 Emperor Way<br/>Doxford International Business Park<br/>Sunderland<br/>SR3 3XR</p>            |
| 7. | <p>Virgin Media<br/>National Plant Enquiries<br/>Small Heath Business Park<br/>Talbot Way<br/>Small Heath<br/>Birmingham<br/>B10 0HJ<br/>FAO Ann Fergusson</p> | 14 | <p>BOC Gases<br/>Tees Dock Road<br/>Middlesbrough</p>  |
|    |  | 15 | <p>Sabir UK Petrochemicals<br/>Room G18<br/>Olefines Offices<br/>PO Box 99<br/>Wilton International<br/>Redcar TS10 4YA<br/>FAO Geoff Glover</p> |

NEW ROADS AND STREET WORKS ACT 1991  
NOTICE OF WORKS INCLUDING RESPONSES

TO

FROM

REFERENCE

WORKS REFERENCE

PURPOSE

INITIAL NOTICE  CONF. NOTICE SA  RESPONSE

CANCELLATION

START NOTICE  STOP NOTICE  REVISED DUR.

OTHER

TIMING

DATE OF ISSUE  TIME OF ISSUE (Immediate only)

EXPECTED START DATE  EXPECTED COMPLETION DATE

ACTUAL START DATE  REVISED COMPLETION DATE

ACTUAL STOP DATE

WORKS CATEGORY

Emergency (2 hrs after)

Urgent (2 hrs after)

Minor (3 days)

Standard (10 days)

Major (10 days)

REMEDIAL REINSTATEMENT

Dangerous (2 hrs after)

Other (3 days)

SPECIAL ENGINEERING DIFFICULTY

IS SED INVOLVED? (Y/N) IF  YES HAS THE RELEVANT AUTHORITY  
APPROVED THE WORKS? (Y/N)

LOCATION DETAILS

DESCRIPTION OR HOUSE NAME OR NUMBER

STREET NAME

LOCALITY, TOWN,

COUNTY

USRN

POST CODE

NGR

DESCRIPTION OF WORKS & STREET AUTHORITY COMMENTS

**Waste Transfer**

SWL5

**SECTION A - DESCRIPTION OF WASTE**

1) Please describe the waste being transferred

2) How is the waste contained:

Loose                      Sacks                      Skip                      Drum  
Other (Please describe)

3) What is the quantity of waste (number of sacks, weight etc)

**SECTION B - CURRENT HOLDER OF WASTE**

1) Full Name (BLOCK CAPITALS)

2) Name and address of company

3) Which of the following are you? {please tick one or more boxes}

Producer of the waste	<input type="checkbox"/>	Holder of waste disposal or waste management licence	<input type="checkbox"/>	Licence issued by
Importer of Waste	<input type="checkbox"/>	Exempt from requirement to have a waste disposal or waste management licence	<input type="checkbox"/>	Give reason
Waste Collection Authority	<input type="checkbox"/>	Registered Waste Carrier	<input type="checkbox"/>	Reg. Number Issued by
Waste Disposal Authority	<input type="checkbox"/>	Exempt from requirement to Register	<input type="checkbox"/>	Give reason

**SECTION C - PERSON COLLECTING THE WASTE**

1 Full name (BLOCK CAPITALS):

2. Name and Address of Company:

3. Which of the following are you? (please tick one or more boxes)

Waste Collection Authority	<input type="checkbox"/>	Holder of waste disposal or waste management licence	<input type="checkbox"/>	Licence number: Issued by:
Exporter	<input type="checkbox"/>	Exempt from requirement to have a waste disposal or waste management license	<input type="checkbox"/>	Give reason:
		Registered Waste Carrier Reg.	<input type="checkbox"/>	Reg. Number Issued by
		Exempt from requirement to Register	<input type="checkbox"/>	Give reason

**SECTION D**

1 Address of place of transfer/collection point:

2.Date of transfer:

3. Time(s) of transfer (for multiple consignments give between dates):

4 Name and Address of broker who managed this waste transfer (if applicable)

5 Signed

Signed

Full Name

Full Name

(BLOCK CAPITALS)

(BLOCK CAPITALS)

Representing

Representing