

GUIDANCE NOTES FOR APPLICANTS

YOUR RESPONSIBILITIES UNDER THE NRSWA 1991

1. The person granted a Street Works Licence ("Applicant") becomes an Undertaker for the purposes of the New Roads and Street Works Act 1991 [NRSWA] and therefore attracts the relevant duties and responsibilities imposed by the Act and associated Secondary Legislation and Codes of Practice.
2. Financial penalties may arise to the Applicant for non-compliance with the relevant statutory duties or licence conditions. Applicants should note that 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 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, but is not limited to, drains, cables, ducts, sewer pipes, water and gas pipes under, over, across, along or upon the highway.
5. *For your guidance please note that the licence holder (not the Contractor) is responsible, among other things, for ensuring that the works : -*
 - (a) *have been notified to the Statutory Undertakers (eg Severn Trent Water) prior commencement;*
 - (b) *are carried out in a safe manner;*
 - (c) *are carried out in accordance with the NRSWA Codes of Practice;*
 - (d) *are supervised by the contractor's Supervisor who has the necessary accreditation;*
 - (e) *are undertaken by Operatives who have the necessary accreditation;*
 - (f) *are guaranteed for the requisite duration (see paragraph 29).*

Note that the Street Works team will require sight of all accreditation certificates.

6. *It is the owner's Statutory duty to ensure that the apparatus is properly maintained at all times once it has been installed.*
7. **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.**

YOUR CONTRACTOR

WHO SHOULD YOU CHOOSE?

8. *A competent contractor will be able to assist you to complete Section 50 Application. You will need to ensure that they have the relevant experience and knowledge of the NRSWA 1991 Act. One way for them to prove this is by showing you evidence that the site Supervisor and the site Operatives have the proper accreditation to carry out the works. Remember it is your legal responsibility to ensure that all persons working on the highway on your works do have this accreditation.*

OTHER DETAILS YOU SHOULD BE AWARE OF

9. *The waste material arising out of your works must be disposed of at either : -*
 - (a) *an authorised Waste Disposal Tip. For this, your contractor will need to complete a Controlled Waste Transfer Note and arrange for the material to be transferred to the Tip by a registered carrier of waste.*
 - (b) *land with suitable planning approval. In this case the material is not classified as waste.*

LICENCE FOR NEW APPARATUS

- 10 The Section 50 Application must be completed by the applicant for authorisation to place and retain the apparatus in the highway, and this must be submitted to Gloucestershire County Council ("The Street Authority") with:-
- (a) *one copy of a scale plan of the proposed location of the relevant apparatus marked by a red line.*
 - (b) 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.

The minimum cover shall be : -
 - (i) £5m for the period from commencement of the works on the highway up to completion and acceptance by the Street Authority of the permanent reinstatement;
 - (ii) £5m for the period from acceptance by the Street Authority of the permanent reinstatement up to the end of the works guarantee period;
 - (iii) £5m Ongoing indemnity after the guarantee for any claim in respect of injury, damage or loss arising out of the presence of the apparatus in the street.
 - (c) *The Payment of £470 which is made up of : -*
 - (i) £180 Administration Fee (non returnable);
 - (ii) £100 Capitalised fee in lieu of annual charge;
 - (iii) £190 Inspection Fee for each 200m length.
Payment can be made by BACs or cheque
 - (d) Works in excess of 200 metres length will be subject to additional Inspection Fees of £150.00 per 200 metres or part thereof.
- 11 Note that a Street Works Licence or consent to work on existing apparatus, will only be granted to the owner(s) of the land which the apparatus benefits ("the land") and Successor in Title. *The licence holder is not the Contractor.*
- 12 *The application form can be signed by the owner (the applicant), the contractor or an agent. This must be specified when signing the application and the owner should have access to the submitted form.*
13. *During the period the licence is being processed by the County Council, you are required to notify all Statutory Undertakers about your works. The Statutory Undertakers are obliged to identify whether their apparatus will be affected by the proposed street works.*
- 14 *Once you have a response from the Statutory Undertakers please complete the SU Response form and return it to the Street Works team. The County Council will then be in a position to complete the processing of your application form.*
- 15 *Works MUST NOT be undertaken without a licence duly signed by the Applicant and the County Council.*
16. Applicants should note that Special Conditions may be imposed by the Street Authority : -
- (a) In the interest of safety;
 - (b) To minimise the inconvenience to persons using the street, having particular regard to people with a disability;
 - (c) For Traffic Sensitive Streets, Streets with Special Engineering Difficulties and Protected Streets.
- NB.** The applicant must strictly adhere to these conditions.
17. Where the apparatus 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.

LICENCE FOR MAINTAINING EXISTING APPARATUS

18 *The notes above relating to new apparatus apply equally to maintaining existing apparatus except that the payment due is lower to take into account the need for less administration.*

- 19 *The Payment Due therefore is £210.00 which is made up of : -*
- (i) £60 Administration fee (non returnable);
 - (ii) £150.00 Inspection fee for each 200m length.
- Payment can be made by BACs, by phone or cheque

NOTICE PRIOR TO START OF THE WORKS

- 20 *In order for Gloucestershire County Council [the Street Authority] to comply with its statutory duty all applications must be submitted at least **28 days** in advance of commencement of the proposed works. A shorter period may be possible but must be agreed by Gloucestershire County Council in conjunction with the Statutory Undertakers likely to be affected.*
- 21 The Applicant must give **TEN DAYS** advance notice of the intended starting date of the street works to the Street Authority using the N Notice form.
- 22 *In order for the County Council to monitor the works you are strongly advised to telephone the Street Works team preferably the day before, but at least on the day, work begins. This will enable us to plan the dates and times of our inspections which will allow us to check your contractors performance.*

DURING THE WORKS

- 23 The Applicant must permit the Street Authority to monitor works or the contractors performance throughout the following stages of street works which 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 (see paragraph 28).
- 24 *If you consider that your contractor is not working safely or in accordance with the NRSWA Specification, tell them. After all, you are employing them to supply works to meet the NRSWA legislation. Failing that and you are still unsure, contact the Street Works team.*
- 25 The Duty of Care: A Controlled Waste Transfer Note must be completed where any waste from the excavation has to be disposed of. (see paragraph 10)

ON COMPLETION OF THE WORKS

- 26 *The Applicant must inform the Street Authority about the completion of the reinstatement by the end of the following working day, stating whether it is interim or permanent, by completing and submitting the R Notice form (via email)*
- 27 *If an interim reinstatement is carried out it must be made permanent within 6 months. In this case a further set of relevant forms and instructions will be issued.*

GUARANTEE OF WORKS

- 28 The guarantee period begins from the date the Street Authority is notified (by the R Notice form) of the permanent reinstatement and will last for 2 years for excavations up to 1.5m deep and 3 years for deeper ones. It is therefore important to notify the Council as soon as the works have been completed.
- 29 A requirement of the Act and therefore the Licence, is that you have a duty to maintain the apparatus. It is therefore important that you inform the Council when ownership has changed. Failure to do so could result in you being liable for any failure of the apparatus in the future.
- 30 *The Public Liability Insurance required under the terms of the licence following completion of the works (see paragraph 11 (b) (ii) and (iii) above) maybe covered under your standard household property insurance. It is therefore advisable to discuss this matter with your insurance company.*
- 31 As the Licence is such an important document it is strongly recommended that it be kept with the title deeds to your property. This will ensure that your conveyancing Solicitor passes your liability to the new owner.

SPECIFICATION FOR REINSTATING THE HIGHWAY

- 32 Your reinstatement should be in accordance with the NRSWA specification. Please pass this to your contractor when employing him so that he is fully aware of your requirements. If you need any further advice please contact the Street Works team.

WHAT TO DO NOW

- 33 The information pack has a check list of the things you need to do and the order in which to do them. The NRSWA is a complicated piece of legislation and this is reflected in the amount of forms and procedures to be carried out. The County Council does recognise this and has tried to minimise and simplify the paperwork needed so please answer all parts of all forms because they are necessary. If you have any difficulties however please call the Street Works team for help.