

Section 171 (Highways Act 1980)

Application Conditions

The conditions of the licence are made under sub-section 2 and 5 of Section 171 of the Highways Act 1980. If the applicant objects to these conditions, or a refusal by the highway authority to approve a licence, then they may appeal to the magistrate's court. A criminal offence is committed if these conditions are breached.

1. It is an offence under section 51 of the New Roads and Street Works Act 1991 (NRSWA) to open the highway without first obtaining a licence from the highway authority; For the purposes of this licence, the 'highway' includes the carriageway footway and verge.
2. The applicant shall not carry out any excavation or other works in the highway except until the application has been approved.
3. Works must only be undertaken by an accredited contractor qualified to the standards prescribed in the Street Works (qualifications of supervisors and operatives) Regulations 1992:
 - a. Proof of such accreditation shall be provided with this application.
 - b. At least one supervisor and one operatives' detail must be submitted.
4. For the purposes of carrying out the works, the applicant shall comply with all codes of practices issued under NRSWA and the Traffic Management Act 2004 as amended.
5. The applicant shall indemnify Gloucestershire County Council ('the Council') in respect of any third-party claims or demands which may arise from their work on the highway:
 - a. The applicant shall affect insurance indemnifying the Licensee and the Council for the duration of the works and until the Council resumes responsibility in accordance with Condition 19 below.
 - b. Such insurance shall afford indemnity of not less than £5million in respect of each and every occurrence or series of occurrences caused by or attributable to any event giving rise to a claim.
 - c. A copy of the insurance policy shall be included with this application.
 - d. Where the applicant is a private individual, their contractors may provide suitable insurance to indemnify both the Licensee and the Council.
6. The applicant shall regulate the works so as to minimise obstruction to vehicular and pedestrian traffic and shall guard the works in accordance with 'Safety at Street Works and Road Works – A Code of Practice'. The Council may request a traffic management plan.
7. The works area shall be maintained in a clean and tidy manner for the duration of the works.
8. The applicant shall not interfere with any drain, culvert, gully, bridge, or other structure without specific consent from the Council.
9. Except in accordance with this licence no part of the highway shall be closed at any time without the consent of the Council.

10. The approval of this licence does not authorise the applicant in any way to interfere with the apparatus already existing in the highway. At all times access must be maintained to any apparatus in the highway.
11. Prior to the commencement of any works the applicant shall determine the precise location of any known Statutory Undertakers apparatus. The applicant shall allow for this process when programming their works.
12. Should there be no objections to the works a licence will be issued by the Council.
13. Any works necessary by the Council as a result of the failure of the applicant to comply with the conditions of the licence shall be chargeable to the applicant. The applicant shall also be liable for any further inspections that may be necessary in the same manner as provided under Section 72, Highways Act 1980.
14. In the event of the works being cancelled by the applicant following submission of the application form the application fee will be charged and will be non-refundable.
15. Reinstatement of the works shall be in accordance with NRSWA 1991 – Specification for the Reinstatement of Openings in the Highway (SROH). The first time, permanent reinstatement of any opening is required unless agreed with the Council.
16. Once the works are complete the area shall be left in a clean and tidy condition to the satisfaction of the Council.
17. Completion of the works shall be notified to the Council as soon as possible but in any case, no later than one working day after completion.
18. Within ten working days of the completion of the works the applicant shall give written Notice detailing the , via email to Streetworkstechnicians@gloucestershire.gov.uk
The completion notice should contain the following as a minimum:
 - a. Section 171 licence number
 - b. The dimensions and position (carriageway, footway, or verge) of the permanent reinstatement
 - c. A sketch plan or photograph of the permanent reinstatement.
19. The date and time when the Council will resume responsibility for maintenance of the work will normally be two years from the date of completion of the works.
20. Until the Council assume responsibility for maintenance of the works the applicant shall be responsible for any claims arising from the work or any necessary maintenance works and associated costs. Necessary works shall be determined by the Council.
21. The licence shall only be granted to the individual or company making the application; it cannot be transferred to another person or company.
22. No refunds shall be given for a licence withdrawn for failure to comply with the above conditions.