

## **Notes on Streetworks Permits**

The Traffic Management Act (2004) established all Council's regulatory duty to manage their networks, and Part 3 of the Act allows for a Council to operate a permit scheme via a legal Order to deliver this duty.

Under a Permit Scheme, any individual or organisation intending to carry out works on the highway must make an application to the Council for a permit. The Council has the power to grant or refuse a permit, as well as applying conditions to the permit in relation to how and when the works are carried out.

Failure to abide by the rules may mean that the applicant and/or contractor may be liable for fines as described in the sections below. All works must comply with the Streetworks Safety Code of Practice, and adequate risk assessments carried out prior and during the life cycle of works. The applicant and/or contractor must be able to provide evidence of risk assessments when required and may be required to discuss their traffic management plans with a member of the Streetworks team.

### **Indemnity**

By submitting your application you are agreeing to indemnify Gloucestershire County Council in respect of any third-party claims or demands which may arise from their work on the highway:

The applicant shall affect insurance indemnifying the Licensee and the Council for the duration of the works and until the Council resumes responsibility

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.

### **Portable Traffic Lights**

You may require portable traffic lights as part of your permit application. The use of temporary lights in the highway is permissible under the Traffic Signs Regulations and General Directions 2002, Section 53. The maximum site length is 300m and stop/go boards must be kept on site at all times.

It is a legal requirement that you must give a 24 hour emergency number so any issues out of hours can be managed effectively. If an incorrect number is given the applicant and/or contractor will be liable for any costs incurred by the Highway Authority to make the site safe.

## **Potential Fixed Penalty Notices (FPNs)**

This means that if a Streetworks Licence holder does not give the proper notices of starting and ending their works, or if they fail to abide by the conditions of the permit the applicant and/or contractor an FPN may be raised.

*Section 95A and schedules 4A and 4B of NRSWA allow for certain legislative offences under part 3 of NRSWA to become fixed penalty offences, for which fixed penalty notices (FPNs) can be issued.*

*An FPN gives a promoter the opportunity to discharge any criminal liability for an offence by paying a penalty. This allows for resolution of minor infringements, without resorting to taking the matter to the Magistrates' Court, which can be both timely and costly to all parties involved.*

Offence	Description	Duties & Obligations	Full Charge	Discounted charge if paid within 29 calendar days
S70 (6)	Failure to comply with requirement to give notice of completion of reinstatement	The local authority must be informed of the reinstatement details 10 days after the reinstatement has been completed	£240	£160
S74	Failure to notify works start and works stop	The local authority must be informed of the works start and work stop within 2 hours of the actual start and stop times	£240	£160
S19	Failure to work without a permit	The local authority must be informed of the works prior to starting or for emergency works within 2 hours	£1000	£600
S20	Failure to abide by the conditions of the permit	The conditions of the permit should be understood prior to works starting	£240	£160

## **Potential S74 overrun charges**

Section 74 of the New Roads and Street Works Act 1991 has been implemented in Gloucestershire, which means charges for unreasonable prolonged occupation of the Highway can be made.

This means that if the applicant and/or contractor does not have an agreement to extend their permit and they take longer to complete the works they have given notice for, they could be subject to the following charges:

<b>Charges in relation to works occupying the carriageway during period of overrun</b>			
<b>Item</b>	<b>Description of Street</b>	<b>Amount (£) (each of first 3 days)</b>	<b>Amount (£) (each subsequent day)</b>
1	Traffic -sensitive or protected street not in road categories 2, 3 or 4.	5,000	10,000
2	Other streets not in road categories 2, 3 or 4.	2,500	2,500
3	Traffic-sensitive or protected street in road category 2.	3,000	8,000
4	Other street in road category 2.	2,000	2,000
5	Traffic -sensitive or protected street in road category 3 or 4.	750	750
6	Other street in road category 3 or 4.	250	250

<b>Charges in relation to works outside the carriageway during period of overrun</b>		
<b>Item</b>	<b>Description of Street</b>	<b>Amount (£)</b>
1	Street not in road category 2, 3 or 4.	2,500
2	Street in road category 2.	2,000
3	Street in road category 3 or 4.	250