

CITY OF YORK COUNCIL APPLICATION FOR A SECTION 50 LICENCE

**FOR INSTALLING OR MAINTAINING APPARATUS IN THE PUBLIC
HIGHWAY UNDER NEW ROADS AND STREET WORKS ACT 1991**

Introduction

This document is provided by the City of York Council and should be used by members of the public or organisations who have no statutory right to install apparatus in (including under, over, across, along or upon) the public highway, to apply for a licence under Section 50 of the New Roads and Street Works Act 1991 (NRSWA) to allow them to place or maintain such apparatus.

This licence can only be used on those roads maintained by the City of York council on behalf of the Secretary of State for Transport. If you are unsure if the apparatus is in public highway, please check before making an application or starting works. Send email enquiry to streetworks@york.gov.uk along with a map and either eastings & northings of site, or what3words location.

This licence will apply to the particular apparatus, works and location described within the terms of the licence.

All forms must be completed and returned to the City of York Council Street Works for the works location concerned prior to works commencing.

A fee is chargeable for the issue of the initial licence, which also includes a capitalised fee in lieu of an annual charge for the ongoing administration of the licence. Please note that in certain circumstances additional costs may be incurred by the applicant to cover all reasonable costs incurred by the city of York Council and its contractors.

Please note applications can take up to 28 days to process a licence, this does not include the statutory advance notice timescales in order to carry out the works in the public highway (Table 1 NRSWA Works Classification and Notice Periods) below for more information.

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 (NRSWA), and therefore attracts the relevant duties and responsibilities imposed by the Act and associated Secondary Legislation and Codes of Practice and is responsible for any charges/penalties incurred.

Applicants not familiar with the requirements of this legislation are strongly advised to appoint an advisor with the appropriate knowledge to help complete the application.

Applicants should note that works carried out under a street works licence must be undertaken by operatives and supervisors with the necessary accreditation required by the NRSWA. An accredited supervisor must supervise the work, and at least one accredited operative must be on site at all times when the works are in progress. N.B this cannot be the same person.

- 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, in (including under, over, across, along or upon) the street.
- 4) The term apparatus includes cables, ducts, water and gas pipes etc. installed under, over, across, along or upon the street.
- 5) A street works licence to place apparatus [or retain existing unlicensed apparatus] in the street, will only be granted to the owner(s) of apparatus or his Successor in Title. Owners should note their statutory duty to ensure that the apparatus is properly maintained at all times.
- 6) In order for the City of York Council to comply with its statutory duty, all applications must be submitted for Standard works at least 1 month in advance of commencement of the proposed works. Additional time is needed for Major works (see Table 1 below). The highway authority must issue a statutory notice to all Utilities advising them of their intention to grant a licence and inviting comments 10 working days before the licence is granted. A shorter application period may be agreed by the local authority provided it can meet its statutory obligations and process the application. The application form must be signed by the owner of the existing or proposed apparatus.
- 7) Should the City of York Council agree to grant a licence then, under NRSWA, statutory notices must be served by the licensee.

As required by NRSWA once the licence is granted and before commencing works the licensee must serve notices between 3 months and 3 days* prior to the works proposed start date on the Highways England and any Bridge, Highway or Transport Authority affected by the works. An early start can be agreed provided it is agreed with all parties who are served with a notice.

* The period of notice depends on the NRSWA classification of the works; these are detailed in Table 1:

Table 1 NRSWA Works Classification and Notice Periods

Works Type	Definition	Notice
Major	Works, other than immediate works, where the planned duration of which exceeds ten days; or any works where a Temporary Traffic Regulation Order is required;	3 months /10 days
Standard	Works, other than immediate works or major works, the planned duration of which exceeds three days but does not exceed ten days	10 days
Minor	Works, other than immediate works or major works, the planned duration of which does not exceed three days:	3 days
Immediate Urgent	Works which are to prevent or put an end to an unplanned interruption of any supply or service provided by an undertaker;	2 hours
Immediate Emergency	Works which are required to put an end to, or to prevent the occurrence of, circumstances which are likely to cause danger to persons or property	2 hours

Where the works require a Temporary Traffic Regulation Order (TTRO) to either close the street or restrict the traffic speed, an application must be made a minimum of 12 weeks in advance of the start date of the proposed works to allow the Highway Regulation Team (CYC) sufficient time to issue such an order. An electronic application form can be found on the CYC website <https://www.york.gov.uk/RoadClosures> along with information on how the application is processed.

Applicants should note that special conditions may be imposed by the local authority.

- a) in the interest of safety,
- b) to minimise the inconvenience to persons using the street, having regard to people with disability in particular,
- c) to protect the structure of the street and the integrity of the apparatus in it.

- 8) The licensee must permit the local authority to monitor him or his contractor's performance throughout all stages of the street works. These inspections are classified as types A, B, and C and are detailed as follows:

- A) Undertaken during the progress of the works.
- B) Undertaken within 6 months following interim or permanent reinstatement.
- C) Undertaken within the three months preceding the end of the guarantee period.

As an Undertaker under NRSWA, the licensee guarantees the reinstatement of the excavated area for a minimum of 2 years from the completion of the permanent reinstatement of the surface or for 3 years if the excavation is deeper than 1.5 metres. Inspections B) and C) above are to verify that the reinstatement complies with NRSWA standards.

If at any of these inspections (or through any other inspection or report) the works are found not to be compliant with NRSWA, the licensee will be required to carry out remedial works within time scales notified by the City of York Council. The remedial works may be inspected by the local authority at 3 stages and a statutory fee charged for the whole process. These fees are not included in the licence fee.

- 9) In accordance with Section 48(4) of NRSWA, in obtaining this licence, the licensee becomes an Undertaker. As such, he is required to comply with Section 79 of NRSWA and the Code of Practice for Recording of Underground Apparatus in Streets. This means that a record of the apparatus as installed is to be provided to the local authority, who will discharge this duty on behalf of the licensee by preparing the record and the cost of this is included within the licence fee.
- 10) Should the City of York Council agree to grant a licence, under NRSWA, various statutory notices must be served by the licensee:
- a) Advance notice of works (as described in table 1 above) - form TRRIIA.
 - b) Once works commence (notification of actual start) - form TRRIIC.
 - c) Once works are completed (notification of actual stop) – form TRRIIC.
 - d) When the street surface has been reinstated (dimension details) – form TRIIB.

New Apparatus/Existing Unlicensed Apparatus

- 11) Form TRF11 must be completed by the applicant for authorisation to place and retain apparatus in the street, or to obtain a retrospective licence for existing unlicensed apparatus before any works commence, and this must be submitted to the City of York Council along with: -
- a) Two copies of a scale plan at 1/2500 or greater of the proposed location and depth of the relevant apparatus marked by a red broken line.
 - b) Proof of public liability insurance. This must provide a minimum £5m cover and be maintained from commencement of the works on the highway, up to completion and acceptance by the Highways England of the permanent reinstatement at the end of its guarantee period. Ongoing indemnity must be provided for the Highways England 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 this licence.
 - c) Payment in advance of: -
 - i) £473 Administration & Site Meeting Fee with the application (non-returnable) up to 200m
 - ii) £189 For additional 200m lengths thereafter
 - d) Payment on the local authority approval of the application and the applicants agreement with its conditions of:-
 - i) £120 Inspection Fee

An additional fee may be required if detailed technical surveys have to be carried out by the local authority and/or if a TTRO is required (see our webpage for further details).

City of York Council Mandatory Forms for Section 50 Licence Application Process

FORM TRF11	Section 50 Application Form
FORM TRF11A	NRSWA Street Works Advance Notice
FORM TRF11C	NRSWA Street Works Start / Stop Notice
FORM TRF11B	NRSWA Street Works Registration Notice

Checklist for Applicants

Street works Qualifications (Min 1x operative, 1 x Supervisor)
Public Liability Insurance Certificate (min £5m)
Scale Plan 1/2500 of Proposed location of Apparatus
Method Statement (if TM required on site)
Traffic Management Plan (if using active traffic management)

CITY OF YORK COUNCIL

NEW ROADS AND STREET WORKS ACT 1991

SECTION 50 – STREET WORKS LICENCE APPLICATION

Application No (issued by CYC):

Note: The applicant should note that in signing this application form he accepts the general conditions detailed in the New Roads and Street Works Act 1991, Schedule 3(3).

SECTION 1 – OWNER OF APPARATUS (persons instructing works to take place)

Surname:

Forename(s):

Or Full Registered Name of Company:

Address:

Postcode:

Tel. Work:

e-Mail:

SECTION 2 – APPARATUS (tick as appropriate)

Does this application apply to:

a) new apparatus ☐ or b) existing apparatus ☐

Is there a Licence in place:

Yes ☐ Licence No: _____ Application No: _____

No ☐

Type of works (e.g., duct, pipe, cable, etc.):

SECTION 3 – PRECISE LOCATION OF WORK (tick as appropriate)

Property:

Street:

District:

Town/Village:

Post Code:

Easting & Northings (12 figures):

Category of works: Immediate-Emergency ☐ Immediate-Urgent ☐ Standard ☐
 Minor ☐ Major ☐

Estimate Length of Works (m): _____ Ave depth: Up to 1.5m ☐ Over 1.5m ☐

Proposed Start Date:

Estimated Duration: (Days/ Months)

Estimated Completion Date:

Proposed Hours of Working: Daylight ☐ 24 hours ☐ Night time ☐ AM Only ☐ PM Only ☐

Area of Highway Affected: Carriageway ☐ Footway ☐ Verge ☐ All ☐

Is traffic management required? Yes ☐ No ☐

Type of Traffic Management Red:

If using lights give times in operation and manned times for manual operation:

If using footway closure how will pedestrians be directed (ensure suitable route applied taking into consideration the councils accessibility policy):

SECTION 4 – DETAILS OF PERSONS/COMPANY UNDERTAKING THE WORKS

Contractor Name:

Company Address:

Telephone No:

e-Mail:

Note: Proof of NRSWA accreditation **MUST** be provided with the application before any work commences in the highway for 1 x operative and 1 x supervisor.

SECTION 5 - INSURANCE

Ins Company Name:

Policy No:

Address:

Ins Expiry Date:

Telephone No:

Note: Copies of Insurance Certificate **MUST** be provided with the application before any work commences in the highway.

SECTION 6 – DECLARATION

I confirm that the information given on this form is correct and acknowledge that the works referred to above are to be conducted in accordance with the requirements of the New Roads and Street Works Act 1991 and associated secondary legislation and Codes of Practice, together with any other conditions imposed by the City of York Council as the Street Authority.

I also acknowledge the statutory need for me to pay the prescribed inspection fees that will be imposed by the authority, including any defect inspection fees and the cost of any necessary remedial works conducted by the local authority during the guarantee period, along with the required administration and annual renewal fee.

I also acknowledge that the licence is granted on the condition that I will indemnify the City of York Council against any claim in respect of injury, damage or loss arising from:

- a) the placing in the street of apparatus to which the licence related, or
- b) the execution by any person of any works authorised by the licence.

I acknowledge that I have read and understood the Notes for Guidance and I am aware of the conditions in the New Roads and Street Works Act 1991, Schedule 3(3)

Signed: _____ Date _____

In the capacity of: _____

(Electronic signature is accepted)

SECTION 7 – CITY OF YORK REFERENCE

Licence No: _____ App Reference: _____

NEW ROADS AND STREET WORKS ACT 1991 ADVANCE NOTICE OF WORKS NOTICE				Form: TRF11A	
Permit No (to be issued by CYC)		<i>Permit no to be issued by CYC on approval of licence application</i>			
To: City of York Council West Offices Station Rise York YO1 6GA e-Mail: streetworks@york.gov.uk		From (persons carrying out the works): e-Mail:			
Proposed Dates of Works					
Expected Start Date: Expected Completion Date:					
Is Special Engineering Difficulty involved?		Yes/No	If Yes	Has the relevant Authority Approved the Works	Yes/No
Location of Works					
Description or House Name or Number					
Street Name					
Local Area Name					
Town					
Postcode					
DESCRIPTION OF WORKS (including Construction Methods, Estimated length and width of works, Traffic Management etc.)					

NEW ROADS AND STREET WORKS ACT 1991 REGISTRATION OF WORKS SITES

Form: TRFIIB

Permit No (as
issued by CYC)

Applicant to insert same permit no as issued on advance notice of works

To City of York Council
West Offices
Station Rise
York
YO1 6GA
e-Mail: streetworks@york.gov.uk

From:

e-Mail:

LOCATION OF WORKS

Description or House Name or Number:

Street Name:

Local Area Name:

Town:

Postcode:

DESCRIPTION OF WORKS

Reinstatement Details		Closing Dimensions		Location & Depth		Works Complete Dates					
Site Location	Description	Length (m)	Width (m)	C/way, F/way or Verge *	Excavation depth	Interim			Permanent		
						D	M	Y	D	M	Y
1											
2											
3											
4											
5											
6											

***If the reinstatement is in more than one part of the highway, please give the dimensions for each part (use separate sheet if necessary)**

This form must be submitted as soon as possible and no later than 10 working days after the completion of the reinstatement.

Provide a sketch of location – Including measurements to fixed objects

NEW ROADS AND STREET WORKS ACT 1991 NOTIFICATION OF START & COMPLETION OF WORKS					Form: TRF11C		
Permit Number (as issued by CYC)		<i>Applicant to insert same permit number as issued on advance notice of works</i>					
To City of York Council West Offices Station Rise York YO1 6GA e-Mail: streetworks@york.gov.uk				From: e-Mail:			
Actual Start Date* (dd/mm/yy)					Actual Completion Date* (dd/mm/yy)		
LOCATION OF WORKS							
Description or House Name or Number: Street Name: Local Area Name: Town: Postcode:							
DESCRIPTION OF WORKS							
<p>* This notice should be submitted at the start and end of works and within the required NRSWA noticing timescales as follows.</p> <p>a. Works start notices required under the 2009 charging regulations must be sent within two hours of starting works on any day (that is between 08:00-16:30 on any day including weekends)</p> <p>b. In the case of a highway returned fully to public use within the period beginning with 12am and ending with 7:59am, notice issued 10am on the same day.</p> <p>c. In the case of a highway returned fully to public use within the period beginning with 8am and ending with 4:31pm, two hours after that full return.</p> <p>d. In the case of a highway returned full to public use within the period beginning with 4:31pm and ending with 11:59pm, 10am on the next day.</p> <p>Failure to issue notices in line with the codes of practice could result in a financial penalty of up to £120.00</p>							