



STREET WORKS SECTION 50 LICENCE APPLICATION

Licence to place or maintain apparatus in the public highway under the New Roads and Street Work Act 1991

Application Form & Guidelines for the placement/maintenance of apparatus in the public highway.

City of York council
West office
Station Rise
York
YO1 6GA

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SECTION 1: INTRODUCTION

- 1.1 Anyone wishing to install any apparatus either above or below ground in the publicly maintained highway (the Applicant) must apply for permission from York City Council (the local authority) under Section 50 and Schedule 3 of the New Roads and Street Works Act 1991 (NRSWA). The term apparatus includes drains, cables, ducts, sewer pipes, water and gas pipes etc.
- 1.2 A person granted a Street Works Licence (the Licensee) becomes an undertaker for the purposes of NRSWA and must comply with the relevant duties and responsibilities imposed by NRSWA 1991, the Traffic Management Act 2004 and the associated Secondary Legislation and Codes of Practice.
- 1.3 It is the function of the Council as Highway Authority to monitor undertakers' operations under NRSWA and ensure the rights of the highway user are protected.
- 1.4 Those Applicants not familiar with the requirements of NRSWA 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.
- 1.5 Significant financial penalties may arise to the Licensee 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.
- 1.7 While the Council will give assistance, the legal responsibility to comply with NRSWA belongs to the Licensee and non-compliance can lead to prosecution. A Licensee may employ a sub-contractor to install the apparatus but again the legal responsibility remains with the Licensee.
- 1.8 If the application concerns a connection to a public sewer, separate permission is also required to do this from Yorkshire Water under a section 106.

SECTION 2: PLANNING THE INSTALLATION

2.1 You should first of all complete the **Street Works Licence Application form** (Appendix 1) and send it to the Council at the email address shown on the form. You will also need to supply the appropriate **fee** and **1 copy of a plan** at scale 1:1250 or larger. This should clearly show the proposed location of the relevant apparatus.

2.3 The Licensee must indemnify the Council against all and any claims made by a third party in connection with any aspects of the works. This liability extends to the end of the guarantee period for the reinstatement. The Licensee has an ongoing liability for the apparatus, should it fail and cause injury to another person or damage another person's property.

The appointed contractor must supply a copy of their current **Public Liability Insurance Certificate** with their application. This should provide a minimum level of cover of £5,000,000 for any one accident without limiting the number of claims arising out of any one incident.

2.4 One of the obligations placed on Licensees requires that the work be carried out by a street works accredited operative and supervisor. The accredited supervisor has the specialist knowledge required to work on the highway and should be able to advise the licensee on the planning of the works. Copies of the relevant **accreditation cards** must be supplied with the application, these must correspond to the type of surfaces being reinstated.

2.5 To comply with NRSWA the Licensee must take reasonable steps to avoid damage to another person's apparatus which may be in the street. Appendix 2 gives details of all the statutory undertakers who should be contacted. The Applicant is also required to make a **declaration** on the application form that they have contacted the relevant statutory undertakers and complied with their requirements.

2.6 Applicants should consult with the Council, which will provide details of the road reinstatement category. Advice will also be provided, if required, about reinstatement options, special requirements, restrictions on working hours, and any requirements for co-ordination with other planned works on highway.

To demonstrate that the works have been planned to be performed in a satisfactory manner the applicant must submit a **method statement** with the application.

2.7 **Applicants must provide a minimum of 20 working days' notice** from receipt of the application and/or all required information until the proposed start date of the works. This is to allow the Council time to send the statutory notice to the relevant authorities and to check and process the application. In certain circumstances longer notice periods will be required. The Applicant must complete and submit the **PAA (section 8)** to specify this proposed start date and other relevant details. You will be informed of this once we receive your application, or you may contact us before making your application to discuss it. If the work does not start on the agreed dates, the Applicant must forward a new Advance Notice Form.

2.8 Authorisation to commence the works will be given by the Council in writing once all the relevant information has been supplied to an acceptable standard. Work must not commence until this authorisation has been received. A checklist has been provided to assist Applicants in this.

SECTION 3: COMPLETING THE WORKS

- 3.1 The works are to commence on the date specified no later than 2 hours after the works start time previously provided on the permit application submitted with the application. Within one working day of commencing work the Licensee must also submit to the Council the form '**Notice of Actual Start**'. The Council will inspect the site while work is in progress.
- 3.2 The Licensee is encouraged to ensure that the works are carried out to the timescale specified on the Advance Notice and Notice of Actual Start forms. Failure to do so could result in charges being applied by the Council under Section 74 of NRSWA.
- 3.3 If the applicant fails to finish on the specified end date and has not requested an extension they will be charged under Section 74 of NRSWA for occupying the highway where works unreasonably prolonged with a fine applied the cost of which will depend on the carriageway category.
- 3.3 Licensees are encouraged to carry out a permanent reinstatement of the highway immediately on completion of the works. Care must be taken to follow the requirements of the NRSWA Code of Practice, Specification for The Reinstatement of Highways particularly those relating to layer thicknesses and compaction. **Please refer to the Code of Practice, and input the relevant details on Appendix 3, Application for Street Works Licence Method Statement.**
- 3.4 The Licensee must advise the Council that the reinstatement has been completed, indicating whether it has been done to interim or permanent standard, by completing the **Reinstatement Form**. This must be done within **10 working days** of the completion date of the works. In the cases of interim reinstatement a further form must be sent once the permanent reinstatement is completed, the permanent reinstatement must be completed within six months.
- 3.5 Failure to send any of the above mentioned forms in line with noticing timescales could result in the issue of a Fixed Penalty Notice or Prosecution in accordance with the current NRSWA Regulations.
- 3.6 The licensee is responsible for the excavation reinstatement for a period of two years from submission of the Reinstatement Form for the permanent reinstatement (3 years if the trench is deeper than 1.5m).
- 3.7 The Council will inspect the trench on completion of the permanent reinstatement and again before the end of the guarantee period. Any defects identified during these inspections must be remedied by the Licensee and defect inspection fees will be charged.
- 3.9 If the trench has to be repaired the guarantee period starts again from the completion of the repaired works. The Licensee therefore saves considerable nuisance and expense by doing a good job the first time round.

SECTION 4: MAINTAINING THE APPARATUS

- 4.1 Licensees are responsible for maintenance of the apparatus for as long as it stays in their possession.
- 4.2 If the work is being carried out to existing apparatus for which there is no current street works licence the owner must apply for a licence.
- 4.3 If maintenance work is required which involves working on the highway the Licensee must notify the Council using the original Section 50 permit number and must not proceed until written approval for the work to commence has been received from the Council. The Council will give guidance on the procedures to be followed.
- 4.4 The Licensee must notify the Council in writing prior to transferring the ownership of the apparatus or the properties which it serves. They must also notify the person(s) to whom title of the apparatus or properties transfers, advising them of their obligations.

SECTION 5: COSTS

5.1 Licence Fees

On submission of the relevant information the prospective Licensee is required to pay a licence fee of **£419.00** (zero VAT). This payment covers the administration and legal costs in preparing the licence does include a permit fee, all in accordance with Schedule 3 of NRSWA. The fee also includes the current charges for inspection of up to 200m of trench. Additional charges will apply if the works are proposed to be greater than 200m in length.

5.2 Defect Inspection Fees

Following reinstatement of the works, if the Council identifies any defect the Licensee is required to pay a fee of **£157.00** (zero VAT). This covers inspections the Council carries out to ensure remedial works are satisfactorily completed.

5.3 Investigatory Works

Where a complaint from a member of the public requires a visit to the site and a defect is identified in a Licensee's works, the Licensee is required to pay a fee of **£68.00** (zero VAT), additional to any defect inspection fee.

5.4 Emergency Work

If the Licensee is unable to respond to the need to carry out emergency work to make their site safe, the Council has the right to carry out this work and recharge the costs incurred.

5.5 Remedial Works

If the Licensee fails to carry out remedial works within 17 working days of being notified of a defect, the Council has the right to carry out further chargeable defect inspections and if necessary undertake the remedial work and recharge the costs involved. This does not remove the Licensee's responsibility for the reinstatement guarantee.

SECTION 6: (Appendix 1) S50 LICENCE APPLICATION FORM

FOR PLACING OR RETAINING APPARATUS IN THE HIGHWAY NRSWA 1991

SECTION 1 - OWNER OF APPARATUS

(person(s) requesting the works or owner of the land)

Surname: Click or tap here to enter text. Forenames: Click or tap here to enter text.

Or full registered name of company: Click or tap here to enter text.

Address: Click or tap here to enter text.

Postcode: Click or tap here to enter text.

Tel: Click or tap here to enter text. Mobile: Click or tap here to enter text.

Email address: Click or tap here to enter text.

SECTION 2 – LOCATION OF PROPOSED WORKS

Site Location incl house no/name: Click or tap here to enter text.

Address: Click or tap here to enter text.

Postcode: Click or tap here to enter text.

SECTION 3 - DETAILS OF PERSON OR COMPANY CONDUCTING THE WORKS

Name: Click or tap here to enter text.

Address: Click or tap here to enter text.

Tel No: Click or tap here to enter text.

The work will be supervised by the following accredited supervisor:-

Name: Click or tap here to enter text.

Registration number: Click or tap here to enter text.

NOTE: Copies of SWQR accreditation for supervisor and operatives must also be supplied

SECTION 4 - INSURANCE

I hereby agree to indemnify the Council against all and any claims made by a third party in connection with any aspects of the works. I understand that this liability extends to the end of the guarantee period for the reinstatement and includes an ongoing liability for the apparatus, should it fail and cause injury to another person or damage another person's property.

I enclose a copy of the public liability insurance certificate.

SECTION 5 - DECLARATION BY OWNER OF APPARATUS

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 conditions imposed in the relevant licence.

I also acknowledge the statutory need for me to pay the prescribed inspection fees which will be imposed, including any defect inspection fees and the cost of any necessary remedial works conducted by City York Council during the guarantee period.

I also acknowledge that I have read and understood the Notes for Guidance.

I have contacted the relevant statutory undertakers listed in Appendix 2 and have obtained details of other apparatus which may be affected by my works and I have agreed a suitable method of work with the relevant utilities.

A Minimum payment of £419.00 is required for the licence fee, additional costs for temporary traffic lights may be applicable please see highway charges for further information. Payment is to be made via bank transfer using the details below;

City of York Council
HSBC Bank
Sort Code 40-47-31
Account number 70897558
(Use ref STREETNAME/APPLICANT NAME)

DECLARATION BY OWNER OF APPARATUS SIGNATURE

DATE:

PRINT NAME:

SIGNATURE :

(electronic signature acceptable)

POSITION:

Please return via email to: streetworks@york.gov.uk

SECTION 7: (Appendix 2) STATUTORY UNDERTAKERS REQUIREMENTS

To comply with Section 69 of NRSWA 1991 Act where works are likely to affect another person's apparatus in the street, licensees must take all reasonable practicable steps:-

- a) to give the person to whom the apparatus belongs reasonable facilities for monitoring the execution of the works, and
- b) to comply with any requirements made which are reasonably necessary for the protection of apparatus or securing access to it.

All statutory undertakers must therefore be contacted before the commencement of any work in the highway.

Statutory Undertakers in City of York Local Authority area as follows;

Yorkshire Water
Northern Power Grid
Northern Gas Networks
Cityfibre Ltd
BT
Virgin Media
GTC
O2
EE
Vodafone
Environmental Agency

SECTION 8: S50 PROVISIONAL ADVANCED PERMIT APPLICATION (PAA)

PERMIT REF NO: Click or tap here to enter text. (CYC to apply on behalf of contractor)

SECTION 50 LICENCE NO: Click or tap here to enter text. (CYC add on approval)

Date of Application: Click or tap here to enter text. (DD/MM/YYYY)

Proposed Start Date: Click or tap here to enter text. (DD/MM/YYYY)

Proposed End Date: Click or tap here to enter text. (DD/MM/YYYY)

Duration of Works: Click or tap here to enter text. (Total no of Working Days)

WORKS CATEGORY

MINOR

LESS THAN 4 DAYS

STANDARD

4-10 DAYS

MAJOR

10 DAYS OR MORE

*PLEASE NOTE THAT WORKS DURATION WILL DEPICT THE TIMESCALE NOTICE REQUIRED FOR APPROVAL TO CITY OF YORK HIGHWAYS AUTHORITY, SEE NWRSA 1991 CODES OF PRACTICE FOR MORE INFORMATION.

LOCATION DETAILS FOR WORKS

DESCRIPTION OR HOUSE NUMBER OR NAME:

ENTER DETAILS HERE

STREET NAME:

ENTER DETAILS HERE

TOWN:

ENTER DETAILS HERE

USRN (IF KNOWN):

ENTER USRN HERE

POST CODE:

ENTER POSTCODE HERE

CO-ORDINATES (MUST BE COMPLETED)

EASTING: ENTER NUMBER

NORTHING: ENTER NUMBER

DESCRIPTION OF WORK

Click or tap here to enter text.

WORKS LOCATION

FOOTWAY CARRIAGEWAY FOOTPATH
VERGE CYCLE LANE

TRAFFIC MANAGEMENT REQUIRED

ROAD CLOSURE CONTRAFLOW LANE CLOSURE
MULTI WAY SIGNALS 2 WAY SIGNALS STOP/GO
PRIORITY WORKING GIVE & TAKE SOME C/W
NO C/W INCURSION F/W CLOSURE

IF F/W CLOSED IS ALTERNATIVE BEING PROVIDED: ENTER DETAILS HERE

IF USING LIGHTS PLEASE SPECIFY TIMINGS AND ACTIVITY

[Click or tap here to enter text.](#)

AUTHORITY COMMENTS

[Click or tap here to enter text.](#)

APPLICANT CHECKLIST

- Completed Application Form
- Public Liability Insurance
- Street Works Qualifications min 2 (incl Supervisor & Operative)
- Site Map
- Method Statement
- Section 106 (YW Connections Only)
- Payment via BACS

Application to be emailed to streetworks@york.gov.uk