



BEDFORD
BOROUGH COUNCIL

STREET WORKS LICENCE 2023 APPLICATION PACK

**SECTION 50 OF THE NEW ROADS AND STREET WORKS ACT 1991
AND SECTION 171 OF THE HIGHWAYS ACT 1980.**

**GRANTED TO PERSONS WISHING TO PLACE, MAINTAIN OR
RETAIN APPARATUS AND APPLICANTS WISHING TO MAKE AN
EXCAVATION IN THE PUBLIC HIGHWAY.**

NOTE:

**ALL WORKS TO BE CARRIED OUT BY ACCREDITED PERSONNEL AND SUPERVISED
BY AN ACCREDITED SUPERVISOR.**

**NOTICE PROCEDURES MUST BE STRICTLY ADHERED TO, IN ACCORDANCE WITH
THE NEW ROADS AND STREET WORKS ACT 1991.**

**NO WORKS ARE TO BE UNDERTAKEN IN THE HIGHWAY BEFORE A LICENCE HAS
BEEN GRANTED. A CRIMINAL OFFENCE IS COMMITTED IF SECTION 51(1) OF THE
NRSWA 1991 IS BREACHED.**

GUIDANCE NOTES FOR PERSONS WISHING TO CARRY OUT STREETWORKS

The person granted a Street Works Licence, is considered to be an undertaker for the purpose of Part III of the New Road and Street Works Act 1991 ("NRSWA"), and is therefore subject to the duties and responsibilities imposed by the Act, associated secondary Legislation and Codes of Practice.

Those applicants not familiar with the requirements of this legislation are strongly advised to appoint a contractor with appropriate knowledge and accreditation to help with the application and conduct the works on their behalf. The Licensee may be subject to financial penalties for non compliance with the relevant statutory duties or Licence Conditions.

Anyone other than a Statutory Undertaker wishing to carry out street works, which includes the breaking open of, boring or tunnelling under, any street to place, adjust, repair, alter or renew any apparatus **MUST BE IN POSSESSION OF A STREET WORKS LICENCE.**

The licence will allow the placing and/or the retention of the apparatus in the street and thereafter the right to adjust, repair, alter or renew it, provided that the conditions as laid down by the Act and its associated Codes of Practice are complied with. This also applies to excavations in the Highway.

Any such apparatus must be kept in good condition and must also comply with any condition with regard to safety; inconvenience to persons, in particular the disabled, using that street.

The Licensee will be the person responsible for every aspect of the Licence including:

- 1) Proof of Public Liability Insurance – minimum cover of £5million.
- 2) Proof of any Section 106 agreement (if applicable)
- 3) Charges – including administration, all inspection fees, and possible Bond fees.
- 4) Reinstatements as per the Code of Practice.
- 5) Notice procedures as per the Code of Practice.
- 6) Removal of waste as in accordance with the Environmental Protection Act 1990, the regulations made under that Act and all other relevant legislation.
- 7) The Licensee shall regulate the works so as to minimise obstruction to vehicular and pedestrian traffic and shall guard the works in accordance with Chapter 8 of the Traffic Signs Manual 2006, published by TSO, and the Safety at Street Works and Road Works Code of Practice 2001.

The NRSWA and associated codes of practice are available from H.M.S.O.

The Licensee will also have the following obligations:

- Safety, signing, lighting and guarding of the works;
- Verifying the qualifications of operatives and supervisors;
- Keeping disruption to highway users to a minimum;
- Notification of Utilities whose apparatus may be affected;
- Reinstatement of the highway;
- To supply a plan of the completed apparatus to the Street Works Authority for recording purposes;
- Accommodating the needs of disabled persons whilst the works are in progress.

OBTAINING THE LICENCE

To obtain a Street Works Licence, complete the attached application form and submit by email to: Streetworks@bedford.gov.uk (Tel: 01234 718040)

Please allow a minimum of 10 working days for this application to be processed. Failure to supply all the required information will result in the application being returned.

Fees

FEES FOR REGISTERING PRIVATE APPARATUS IN THE PUBLIC HIGHWAY (S50 NEW ROADS STREETWORKS ACT 1991)

The fee for excavating the highway and registering any private apparatus placed in the highway (**Section 50 Licence or Road Opening Permit**) is currently **£525.80**.

If any apparatus is over 200 metres in length, a further **£150.00** per 200 metre length is payable.

Any works necessary by the Street Authority as a result of failure of the Licensee to comply with the conditions of the Licence shall be chargeable to the Licensee. The applicant shall also be liable for further inspections that may be necessary in the same manner as provided under Section 72 (2) of the NRSWA.

Payment will be invoiced on receipt of the road space booking. All fees will be invoiced to the applicant only. In the event of the works being cancelled after the application form has been submitted, an administration fee of **£263.00** will be charged to the applicant to cover administrative costs

Bond

There may be times when a Bond is required, which is payable before work commences, and is held by this Authority until the maintenance period has been successfully completed. Deep excavations, i.e. sewer connections, may attract a Bond. This will be discussed at the site meeting and are at the discretion of the Council.

The bond is returnable (2 years) from registration or (3 years) if the excavation is more than 1.5m deep, less inspection fees of £50.00 per visit. The return of the bond is subject to satisfactory reinstatement that complies with the NRSWA Specification for the Reinstatements of Openings in Highways.

FEES FOR EXCAVATION ONLY (S171 OF THE HIGHWAYS ACT 1980)

The cost of an **Excavation only licence (Section 171 Licence)** is **£263.00** which covers inspection fees and administration fees incurred with the processing of the Licence. If any excavation or trench is over 200 metres in length, a further **£150.00** per 200 metre length is payable.

INSURANCE

The Licensee will indemnify the Street Authority against any claim in respect of injury, damage or loss arising out of the placing or presence in the street of apparatus to which the Licence relates, and the Contractor will indemnify the Street Authority against any claim arising from the execution by any person of any works authorised under the Licence. Current Public Liability Insurance is required for these works to a minimum of £5million of cover.

IMPORTANT NOTICE THE STREET WORKS REGULATIONS 2001

(CHARGES FOR UNREASONABLY PROLONGED OCCUPATION OF THE HIGHWAY)

Section 74 of the NRSWA has been implemented in Bedford Borough, which means charges for unreasonably prolonged occupation of the Highway can be made.

If a Street Works Licence holder does not give proper notice of commencing and completing their works, or if they take longer to complete the works they have given notice for, they will be subject to the following charges:

Table 10.2 Maximum daily charges		
	Amount (£) each of the first three days	Amount (£) each subsequent day
Traffic Sensitive or protected street not in road categories 2, 3 or 4	£5,000	£10,000
Other Street not in road categories 2, 3 or 4	£2,500	£2,500
Traffic Sensitive or protected street in road category 2	£3,000	£8,000
Other street in road category 2	£2,000	£2,000
Traffic sensitive or protected street in road category 3 or 4	£750	£750
Other street in road category 3 or 4	£250	£250

* **Note** any overrun on Remedial Works will be charged at the rate appropriate to the category of the new works.

DEFINITIONS

Licensee means the person, partnership or limited company to which a Street Works Licence is granted, together with their successors in title or assignees of the Licence.

Contractor means the company or organisation responsible for the excavation and reinstatement of the opening in the highway.

Street Authority means Bedford Borough Council as the Highway Authority for streets maintainable at public expense.

LICENCE CONDITIONS

A Licence shall be granted to the Licensee to place and leave apparatus in the street in the position shown by a red line on the enclosed plan (hereinafter referred to as 'the apparatus'), and to maintain, repair and reinstate the apparatus and break open and have access to the street for those purposes upon the terms and subject to the conditions hereinafter specified and subject also to the relevant conditions contained in the said Section 50 and Schedule 3 of the NRSWA.

Once the Licence is granted the Licensee becomes an Undertaker for the purposes of Part III of the NRSWA.

This Licence does not confer any right on the Licensee against the owners of the land in which the street is situated to use that land. The Licensee must make his own arrangements with such owners in cases where their consent is needed.

Where the Licensee (including a Licensee to whom a Licence has previously been assigned) proposes to part with his interest in the apparatus, the Licensee shall, before doing so, give at least 6 weeks written notice to the Street Authority of the intention to abandon the apparatus or transfer the Licence stating to whom the benefit of the Licence is to be transferred.

The Licensee shall keep the apparatus in a good state of repair and condition.

In the event of the Contractor's failure to comply with the relevant statutory duties or Licence conditions, the Contractor may be liable to the financial penalties applying under the Street Works Regulations 2001. Applicants should note that the liability cannot be delegated to any other person or organisation.

One copy of a plan (scale 1:1250 or greater) of the apparatus must be provided with the application, on which the proposed position of the apparatus must be marked by a red line.

Evidence must be provided that the Contractor has obtained all necessary plant information for the site/s from the relevant utilities and statutory undertakers.

WORKS

The installation of the apparatus and/or excavations within the highway shall be executed in accordance with the following requirements:

It is the duty of the Contractor by whom street works are executed to reinstate the street in accordance to the Specification for the Reinstatement of Openings in Highways Code of Practice, April 2010 revision.

The signing, lighting and guarding are to be in accordance with the Safety at Street Works and Road Works Code of Practice, and any failure to comply with those provisions shall be subject to the defect procedure for excavation and reinstatement in paragraph E.

The Licensee shall ensure that any maintenance, repair or other works carried out to or in connection with the apparatus shall, except in the case of emergency, be done with minimum disturbance to the highway.

The Contractor shall take all proper precautions to ensure the safety and protection of apparatus of Statutory Undertakers, Sewerage Authority and Highway Authority.

Applicants should note that special conditions may be imposed by the Council:

- a) In the interests of safety;

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

The Contractor **MUST** permit the Street Authority to monitor his performance throughout all stages of the works as set out below:

- 1) During works as required by Section 65 of the New Road and Street Works Act 1991.
- 2) Immediately after Permanent Reinstatement.
- 3) Between 6 and 9 months after reinstatement and during the one month preceding the end of the guarantee period. (This period will begin from the date the Council is notified of the permanent reinstatement, and will be under guarantee for 2 years for excavations up to 1.5m deep or 3 years for excavations over 1.5m deep.)

The Contractor shall ensure that all disposable materials are disposed of at authorised tips and shall make its employees fully aware that dumping or fly tipping in any form is strictly prohibited and that offenders will be prosecuted.

For information on how to safely dispose of waste please use these links:

<http://www.environmentagency.gov.uk/business/topics/waste/default.aspx>
<http://www.defra.gov.uk/environment/waste/about/index.htm>

All apparatus should be laid wherever possible in conformity with NJUG publication no.10, obtainable from the National Joint Utilities Group, 30 Millbank, London, SW1P 4RD. For more guidance regarding excavation around trees please use the following link:
<http://www.njug.org.uk>

REINSTATEMENT

The reinstatement of any excavation shall be in accordance with the Specification for the Reinstatement of Openings in Highways Code of Practice.

The Contractor shall maintain the reinstatement for a period of two years, or three years for any deep excavation greater than 1.5m, following satisfactory completion of work.

Defective reinstatements will be dealt with under the procedure described in the Code of Practice for Inspections; Defect inspections fees will be charged at the current rate.

All temporary reinstatements must perform to the same standards as a permanent reinstatement and must not remain temporary for longer than six months without special dispensation.

The Street Authority reserves the right, if it chooses, to conduct any remedial works as are deemed necessary on site in an emergency and to correct any defect to the reinstatement of the excavation (or in relation to signing, lighting and guarding as the case may be) within two years of any defect not being promptly rectified by the Contractor. The Contractor shall be responsible for any claims arising from the work or any necessary maintenance works and associated costs.

WITHDRAWAL OF LICENCE

The Licence hereby granted shall remain in force until withdrawn by the Street Authority under Schedule 3 of the NRSWA or surrendered to the Street Authority by the Licensee.

The Street Authority may withdraw this Licence by serving notice at any time if:

- (1) the Licensee fails to comply with any condition of the Licence; or
- (2) the Street Authority becomes aware that the Licensee -
 - (a) has ceased to use or has abandoned the apparatus, or intends to do so, or
 - (b) has parted with or intends to part with his interest in the apparatus in a case where assignment of the Licence is prohibited; or
- (3) the Street Authority considers the withdrawal of the Licence is necessary for the purpose of the exercise of their functions as Street Authority.

The period of the notice shall be not less than seven (7) working days in the case of a withdrawal under paragraphs (1) or (2), or not less than 3 months in the case of a withdrawal under paragraph (3).

ACCREDITATION OF PERSONNEL

Section 67 of the NRSWA requires an accredited supervisor to be available at all times to supervise the works. Section 67 of the NRSWA also requires an accredited operative to carry out the works, and be on site at all times, while the works are in progress.

The Street Works (Qualifications of Supervisors and Operatives) Regulations 2009 (SWRQ) prescribe the appropriate qualifications.

Copies of both sides of the Supervisor & Operatives SWQR cards must be submitted with the application as evidence of accreditation.

SERVING NOTICE UNDER SECTIONS 54, 55, 70 and 74 OF THE NRSWA

All notices for the works shall comply with the Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and Related Matters (third edition 2009), and shall give the appropriate period of notice specified in the Street Works (Registers, Notices, Directions & Designations) Regulations 2007 ("the notice Regulations").

An 'Initial' proposed works notice (**the 'Notice of Works' form**) must be completed and submitted with the application, giving the minimum notice period.

<u>Type of Works</u>	<u>Notice Period</u>
Major Works (works lasting more than 10 days)	10 working days before works commence*;
Standard Works (works lasting 4 to 10 days)	10 working days before works commence;
Minor Works (works not exceeding 3 days)	3 working days before works commence;

*For major works a 3 month advance notice should also be given to the Street Authority.

Where it is intended to execute **emergency** works in any street, notice shall be given as soon as reasonably practicable and in any event within 2 hours of commencing those works.

NB: For full details of the notice periods and the types of works to which they apply, the Licensee should consult the notice Regulations. If the correct notice is not given then the Licensee is guilty of an offence and could be fined up to £2,500.00 if convicted. Fixed Penalty Notices may also be issued for failure to comply with the notice requirements.

‘Start’ notice must be sent by the end of the working day on which works have started.

‘Stop’ notice must be sent by the end of the next working day after works have completed.

REGISTRATION OF WORKS

The Contractor must complete and submit the appropriate form within 10 days of the works being completed (the works ‘Stop’ notice can be used for this purpose). For a Section 50 Licence a detailed drawing to a scale of 1:1250 should be submitted with the form showing the location of the apparatus together with the depth at which the apparatus is placed.

IMMEDIATE WORKS

Where emergency works or urgent works (as defined in the notice Regulations) are carried out, this application must still be filled in **retrospectively**.

NOTICE OF WORKS FORM

All applications must have a completed Notice of Works Form attached, as outlined above.

STATUTORY UNDERTAKERS

In order to comply with Section 69 of the NRSWA 1991 **you**, the applicant, must inform the following Statutory Undertakers to allow them to identify whether the proposed works will affect their apparatus. Use the Notice on the next page, and their contact details are given on the following page.

Notice to be given to Statutory Undertakers

Utility 1,
Address Line 1,
Address Line 2,
Address Line 3,
Post Code.

NEW ROADS AND STREET WORKS ACT 1991

SECTION 50 - STREET WORKS LICENCE

I / we have applied to Bedford Borough Council (the Street Authority) for a Street Works Licence to place / maintain apparatus at the following location: -

Address.....
.....

(please see attached location plan)

Location (e.g. carriageway, footway or verge)..... and, in order to comply with S69 of the Act, would ask you to indicate below whether you have any apparatus at the location which may be affected by these works.

SignedDate.....

Address (if different from above).....
.....

STATUTORY UNDERTAKER'S RESPONSE

Apparatus Affected

YES	NO
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Special Requirements

Company Stamp

Date

LIST OF STATUTORY UNDERTAKERS:

In order to comply with Section 69 of the NRSWA 1991 **YOU** must inform the following Statutory Undertakers to allow them to identify whether the proposed works will affect their apparatus.

Anglian Water Services Ltd., Dig dat Osprey House, 1 Percy Road, Huntingdon, PE29 6SZ 03457 145 145 info@digdat.co.uk	Cadent Gas, Block 1, Floor 2, Brick Kiln Street Hinckley LE10 0NA plantprotection@uk.ngrid.com
Bedford Borough Council – Streetworks Borough Hall Cauldwell Street Bedford MK42 9AP 01234 718040 Streetworks@bedford.gov.uk	Vodafone, (was Cable & Wireless Communications, also incorporating Energis Communications Ltd.) Atkins OSM, NRSWA Operations Team, Box 290, 220 Aztec West, Almondsbury, Bristol, BS32 4WE. osm.enquiries@atkinsglobal.com
Bedford Group of Internal Drainage Boards, Vale House Broadmead Road Stewartby Bedford MK43 9ND 01234 767995 Trevor.skelding@idbs.org.uk	UK Power Networks Plan Provision Fore Hamlet, Ipswich, IP3 8AQ plans@ukpowernetworks.co.uk
B.T., BT National Notice Handling Centre, P/P 404B, Telecom House, Trinity Street, Hanley, Stoke-on-Trent, Staffs. ST1 5ND. nnhc@openreach.co.uk	Finaline, [Total Pipelines] Lands Manager, Pipeline Operations, Hertfordshire Oil Storage Ltd, Buncefield Terminal, Green Lane, Hemel Hempstead, Herts., HP2 7HZ.
Virgin Media, [formerly ntl & Telewest] National Plant Enquiries Unit 1A Scimitar Park Courtauld Road Basildon SS13 1ND Plant.enquiries.team@virginmedia.co.uk	Linesearch handles enquiries for: Esso, Mainline, BPA , GPSS, Total UK, ConocoPhillips (UK) Ltd, Jetline, Shell UK Ltd, Sabic UK Petrochemicals, BP TSEP, BT GEO Network E-on UK Plc, BP Exploration PSP, Conoco Phillips Ltd Humber Refinery and Scottish Power Generation Ltd. National Grid Gas Transmission. www.linesearch.org <u>LinesearchbeforeUdig (LSBUD)</u>
For electrical supply Sharnbrook area Western Power Distribution Toll End Road, Tipton, DY4 0HH WPDMapResponse@westernpower.co.uk 0121 623 9780	Kingston Communications (Kcom) KCOM Group PLC 5th Floor Prospect House Prospect Street Hull HU2 8PU highwaysadmin@kcom.com
Fulcrum Pipelines 2 Europa View Sheffield Business Park Sheffield S9 1XH FPLplantprotection@fulcrum.co.uk	GTC Energy House Woolpit Business Park Woolpit Bury St Edmunds IP30 9UP nrswa@gtc-uk.co.uk

TRAFFIC MANAGEMENT

Please give details of your traffic management here and attach a traffic management plan with your application

APPLICATION FOR A SECTION 50 STREET WORKS LICENCE

Owner of Apparatus / Property

Name: _____

Address: _____

Company Registration Number (where applicable): _____

Postcode: _____ Work Tel: _____ Home Tel: _____

Email Address: _____ Mobile: _____

APPLICATION FOR A SECTION 50 / SECTION 171 HIGHWAYS ACT (ROAD OPENING PERMIT)

Precise Location of Proposed Work (Detailed plan must be submitted with form)

Property Name / Number: _____ Road / Street: _____

City / Town / Village: _____ Postcode: _____

Details of Company Conducting Works (Contractor)

Name of Contractor: _____

Address: _____

_____ Postcode: _____

Tel: _____

Email Address: _____ Mobile: _____

Insurance Details (Photocopy of insurance certificate is required)

Insurance Company Name: _____

Tel No: _____ Policy No: _____ Expiry Date: _____

Address: _____

Emergency Contact Details (24 hour contact number)

Name: _____

Tel: _____

Name of Accredited Operative: _____ SWQR No. _____

Name of Accredited Supervisor: _____ SWQR No. _____

(Photocopies of Street Works accreditation are required)

Details of Excavation and Traffic Management (Tick boxes where necessary)Placing New Apparatus ☐ Working on Existing ☐ Excavation only ☐Work Lies Within: Verge ☐ Footway ☐ Carriageway ☐Average Depth of Excavation Up to 1.5m ☐ Over 1.5m ☐

Description of works:

Length:

Width:

Proposed Hours of Working: Day Time ☐ Night Time ☐ Restricted ☐Proposed Traffic Control: Road Closure* ☐ Temp. Traffic Signals* ☐ Stop/Go Boards ☐Priority Flow ☐ None ☐

***Please note a Road Closure will take 10 weeks to approve at an additional cost of £1,538.45. A three month notice will apply to these works if a closure is required, and there is a separate TTRO application form to complete, which can be found on Bedford Borough Council's website.**

DECLARATION:

I **confirm** the details on the application are correct and acknowledge that the works referred to in the application must be conducted in accordance with the requirements of the New Road and Street Works Act 1991 and the associated legislation and Codes of Practice.

I acknowledge the need for me to pay the prescribed inspection fees which will be imposed by the Street Authority (Bedford Borough Council), including any defect inspection fees and the cost of any necessary remedial works conducted by the Street Authority should I fail to comply with the conditions of the Licence.

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

- 1) The placing or presence in the street of apparatus to which this Licence refers.
- 2) The execution by any person of any works authorised by this Licence.

I have read and understood the conditions of the Licence contained in this application.

SIGNATURE OF THE APPARATUS OWNER:

.....

PRINT NAME HERE: DATE:

POSITION IN COMPANY (where applicable):

CONTRACTOR'S SIGNATURE (authorised to act on behalf of the company):

.....

PRINT NAME HERE: DATE:

POSITION IN COMPANY (where applicable):

CHECKLIST THE FOLLOWING ITEMS **MUST** BE ATTACHED TO YOUR APPLICATION:

- 1) One copy of a plan clearly marking the **exact** location of your works, and if applicable, location of the apparatus.
- 2) Proof of a minimum of £5million Public Liability Insurance (copy of your valid certificate of insurance).
- 3) You will be invoiced for the payment, either **£263.00** (for excavation only) or **£525.80** (for Section 50 including apparatus).
- 4) A copy of your Traffic Management plan.
- 5) The relevant Water Authority approval (Section 106 agreement) allowing connection on to their main (if applicable).
- 6) Proof of request to the undertakers for approved plant information.
- 7) Completed Notice of Works form.
- 8) Proof of Street Works Accreditation of the supervisor and the operative (please attach a copy of the front and back of the card).