



New Roads and Street Works Act 1991

Section 50:

Guidance Document

Version 1.4, 01.02.16 (minor amendments).

Please see list of amendments on page 2.

Out-of-date application forms will not be accepted. To ensure that you have the latest version of this form, please visit www.reading-travelinfo.co.uk > Traffic > Road Works Applications.

All correspondence to:

Assistant Highway Works Co-ordinator
Reading Borough Council
Network Management
Civic Offices
Bridge Street
Reading
Berkshire
RG1 2LU

Tel: 0118 937 2293

Email: streetworks@reading.gov.uk

Important: Changes to the Section 50 Street Works Licence Application Process From 01.02.16

Below is a summary of the content changes that have been made to this revision of the Section 50 Licence application process:

- The application form is now available to download as a standalone document, which can be completed and submitted electronically.
- The 'Registration of Works' form is now available to download as a standalone document, which can be completed and submitted electronically.
- Item 15 of the Notes for Guidance (Licence Fees) has been amended. The remittance for legal and administrative costs is now to the sum of £250.00. Item 16 of the Notes for Guidance (Inspection Fees) and the 'Fees' section of the application form have been updated to reflect the fee for a typical licence (£400, inclusive of VAT).
- Amendment of item 17, paragraph 1 of the Notes for Guidance (Noticing Requirements and Registration of Works).

Please ensure that you read the contents of this document carefully, prior to submitting the application form.

Application Guidance Notes

For every application, you must provide the following:

1. Application form and Declaration

Download, fully complete and return the Section 50 licence application form and declaration.

These documents may be submitted electronically.

2. Detailed design drawing

Provide a detailed design drawing, clearly showing the proposed area of excavation, the boundary of the landowners' property/land and the location of the private apparatus in relation to nearby landmarks (i.e. any junctions and/or nearby properties). Please ensure that this plan is to a sensible scale.

This document may be submitted electronically.

3. Traffic management drawing

Provide a detailed plan to a suitable scale, detailing all traffic and/or pedestrian management proposed for the works. The plan must include measurements such as the remaining footway/carriageway width.

This document may be submitted electronically.

4. Accreditation details

The New Roads & Street Works Act 1991 introduced a legal requirement for a qualified supervisor to be in control of each site and for there to be at least one qualified operative on site at all times. In addition, each of the operatives must be qualified for the tasks they are undertaking.

Failure to meet these requirements is a criminal offence.

Reading Borough Council, as the Street Authority, will not allow your proposed works to proceed if you cannot provide evidence to show that your supervisor and operatives are suitably qualified. We will require copies of the Street Works Qualification Register (SWQR) cards for at least one supervisor and one operative who will be on site during the proposed works. These copies will need to clearly show the front and reverse of each card, and certificates will not be sufficient.

Please note that if a card has expired or is likely to expire before completion of the works, it will not be accepted.

Important notes

Supervisor qualifications cannot overrule or replace operative qualifications.

One person cannot cover both the role of Supervisor, and the role of Operative at the same time. Highway Inspectors may arrive on site at any time to verify that all tasks that are being undertaken are done so by suitably qualified Operatives. It is, therefore, a requirement that the Street Works Qualification Register card is carried at all times on site.

This information may be submitted electronically.

5. Indemnity and insurance cover

All organisations conducting work on the Highway within Reading Borough **MUST** carry valid public liability insurance cover of no less than **£10million**. Please provide a copy of the contractors' insurance certificate, and proof that they carry the specified level of public liability cover.

This insurance cover must indemnify the Street Authority against any claim in respect of injury, damage or loss arising from the works. This insurance cover must be maintained from commencement of the works on the highway, up to completion and acceptance by the Street Authority of the permanent reinstatement (following the 2 or 3 year guarantee period).

Please note that if more than one contractor will be working on site (i.e. main contractor, and reinstatement contractor), proof of insurance will be required for each.

If any insurance cover is due to expire before the works are likely to be completed, we will need to see evidence that it has been renewed. Delays in providing this information will delay your application and proposed start date.

This information may be submitted electronically.

6. Licence fee

The typical fee for this licence application is **£400** (as explained within the guidance notes).

Please enclose a cheque with this application, made payable to Reading Borough Council.

Providing all the performance requirements of the New Roads & Street Works Act (NRSWA) have been fully complied with, there will be no further charges in connection with these works. However, the main contractor may become liable for defect charges in the event that they fail to fully comply with the requirements for reinstatements in the highway, which may become apparent during subsequent inspections.

General Notes

1. It is an offence under Section 51 of the New Roads and Street Works Act 1991 to excavate in the highway without obtaining a licence from the Council.
2. The name and address of the landowner requiring the service is to be provided. This may be a private individual, a limited company or a partnership. If a partnership, the names and addresses of those persons in whom the land is vested are to be given. If a company, the registered office is to be given. If the land is vested in joint names, then details of both persons are required.
3. Supervisors of street works shall be qualified to the standard prescribed in the Street Works (Qualifications of Supervisors and Operatives) Regulations 1992, and from 5 August 1997 all operatives shall be so qualified.
4. The licensee shall ensure that he or any contractor employed by him shall be aware of the obligations placed on him by the various Codes of Practice and Regulations prescribed under the New Roads and Street Works Act 1991. In particular, the licensee shall comply with the Specification for the Reinstatement of Openings in Highways.
5. The licensee shall also comply with the Code of Practice 'Safety at Road Works and Street Works' and give details of proposed traffic management measures. If it is considered that a road closure may be required then early advice from the Council should be sought. A period of six weeks should normally be allowed for road closure applications to be processed.
6. The licence shall remain in force until it is withdrawn by the Council or terminated by the licensee giving written notice under the provisions of paragraphs 5 and 6 of Schedule 3 to the Act.
7. The licensee shall be responsible for all costs of removal of the private service installed under this licence in relation to paragraph 7 of Schedule 3 to the Act, and shall be responsible for maintenance of the apparatus.
8. The licence does not dispense the licensee from obtaining any other consent, licence or provision which may be required and it does not authorise installation of apparatus for the use of which the licence of the Secretary of State is required unless and until that licence has been granted.
9. If the property is sold, the licence may be assigned to the new owner of the property by the original licensee provided that six weeks written notice of the transfer is given to the Council by the licensee.
10. If the applicant is a contractor employed by the owner of the property that the new apparatus serves, then the licence should be assigned to that property owner **prior** to the commencement of the works.
11. If the final position of the service differs to that originally shown in the plans that are provided with the application, an 'as-built' drawing shall be provided upon completion.
12. A minimum period of 28 days should be allowed for the application to be processed.

13. It is the responsibility of the contractor to ensure that safe digging practice is met, and that all reasonable measures are taken to locate and avoid any buried apparatus.

The main contractor **must** request location information regarding buried utility apparatus that may be in the vicinity of their proposed excavation. All responses must be received, and carried on site at all times - Highways Inspectors can request to see this information, and can stop works if it cannot be provided.

A utility contact list has been attached to this application. Please note that this is not an exhaustive list, and it will be the main contractor's responsibility to investigate any apparatus that is likely to be in the vicinity of the proposed excavation.

Guarantee Period

14. The licensee shall ensure that the interim reinstatement conforms to the prescribed standards referred to in section 4 of these notes for guidance and that the permanent reinstatement conforms to the prescribed standard throughout the guarantee period. The guarantee period shall begin on completion of the permanent reinstatement and run for 2 years, or for 3 years in the case of deep openings. A deep opening is one in which the depth of cover over the buried plant or equipment is greater than 1.5 metres.

Licence Fees

15. A remittance in the sum of £250, to cover legal and administrative costs involved in the granting of a Street Works Licence, is to be provided with this application.

Inspection Fees

16. Inspections will be made by or on behalf of the Council in accordance with the Code of Practice for Inspections and it is intended that 3 inspections will be carried out at the following stages:

A Undertaken during the progress of the works

B Undertaken within the six months following interim or permanent reinstatement.

C Undertaken within the three months preceding the end of the guarantee period.

A fee of **£50.00** (or as revised from time to time) for each excavation not exceeding 200 metres in length will be charged for each inspection and the total inspection charge of **£150.00** (3 x £50.00) is payable at the time of application. For excavations longer than 200 metres, an additional charge of **£150.00** (3 x £50.00) per 200 metres or part thereof is payable.

If any works are found to be defective, as defined in the NRSWA Code of Practice for Inspections, then the main contractor (in the first instance) will be charged for the cost of three defect inspections at from **£47.50** (or as revised from time to time) per inspection plus the costs of any necessary Investigatory or remedial works, and reasonable administration costs.

As the majority of excavations are less than 200 metres in length, the total fee usually applicable will be £400 (£250 licence fee plus £150 inspection fee). All cheques are to be made payable to Reading Borough Council.

Noticing Requirements and Registration of Works

17. Reading Borough Council will 'notice' works conducted under a Section 50 licence, in accordance with the New Roads and Street Works Act 1991 and its codes of practice, on behalf of the applicant, based on the information that is provided to the Street Works department.

A phone call will be required to state exactly when the works have started. The call will be required by no later than 1630hrs on the working day after the works have started. The contact number is on the front cover of this application pack.

The Street Works Licence, and the 'Conformation of agreed works period' letter state the period in which the works are permitted to take place. If the works are likely to overrun this agreed period, the Street Authority must be contacted as soon as possible (but no later than 1500hrs on the last permitted day of works), and an extension request must be made.

A phone call will be required to state exactly when the works have been completed, and the site cleared. The call will be required by no later than 1630hrs on the working day after the works have been completed, and the site cleared.

The main contractor will have up to 7 working days after the works are completed (and the site cleared) in which to return the accurately completed 'Registration of Works' form.

Please note that the above instructions are requirements under the New Roads and Street Works Act 1991, and must be followed in full, within the timescales. New applications can be suspended, and penalties applied to the main contractor if noticing procedures are not followed.

Schedule of Conditions

subject to which the licence is granted

Standard conditions

1. Schedule 3 to the Act provides that the authority may by notice in writing withdraw this licence if they consider it necessary to do so for the purpose of the exercise of their functions as street authority.
2. Where the licensee under a street works licence proposes -
 - (a) to cease using or abandon the apparatus, or
 - (b) to part with his interest in the apparatus,he shall give the street authority at least 28 days' notice before doing so.
3. Where the licensee under a street works licence granted to the owner of land and his successors in title proposes to part with his interest in the land, he shall before doing so give notice to the street authority stating to whom the benefit of the licence is to be transferred.
4. (1) The street authority may by notice in writing served on the licensee withdraw a street works licence
 - (a) if the licensee fails to comply with any provision of this Part or any condition of the licence
 - (b) if the authority becomes aware that the licensee
 - (i) has ceased to use or has abandoned the apparatus, or intends to do so, or
 - (ii) has parted with or intends to part with his interest in the apparatus in a case where assignment of the licence is prohibited, or
 - (c) if the authority consider the withdrawal of the licence is necessary for the purpose of the exercise of their functions as street authority.(2) The withdrawal takes effect at the end of such period beginning with the date of service as may be specified in the notice.

The period shall not be less than 7 working days in the case of a withdrawal under subparagraph (1)(a) or (b), and shall not be less than 3 months in the case of a withdrawal under sub-paragraph (1)(c).
5. (1) Where a street works licence expires or is withdrawn or surrendered, the street authority may remove the apparatus to which the licence relates or alter it in such manner as they think fit and reinstate the street, and may recover from the former licensee the expenses incurred by them in doing so.

(2) If they are satisfied that the former licensee can, within such reasonable time as they may specify, remove the apparatus or alter it in such manner as they may require and reinstate the street, they may authorise him to do so at his own expense.

(3) In this paragraph and paragraph 1.6 below "the former licensee" means the person who immediately before the expiry, withdrawal or surrender of a street works licence was the licensee or, if that person has died, his personal representatives.

6. (1) The licensee under a street works licence shall indemnify the street authority against any claim in respect of injury, damage or loss arising out of:
 - (a) the placing or presence in the street of apparatus to which the licence relates, or
 - (b) the execution by any person of any works authorised by the licence;
 - (c) and the former licensee shall indemnify the street authority against any claim in respect of injury, damage or loss arising out of the execution by the authority or the licensee of any works under paragraph 1.5.

- (2) The liability of a licensee or former licensee under this paragraph arises:
 - (a) whether or not the damage or loss is attributable to negligence on their part or on the part of any person for whom they are responsible, and
 - (b) notwithstanding that they are acting in pursuance of a statutory duty.

- (3) However, their liability does not extend to damage or loss which is attributable to misconduct or negligence on the part of
 - (a) the street authority or a person for whom the authority is responsible, or
 - (b) a third party, that is, a person for whom neither the licensee or former licensee nor the authority is responsible.

- (4) For the purposes of this paragraph the persons for whom a person is responsible are his contractors and any person in his employ or that of his contractors.

- (5) The minimum level of cover shall be £10,000,000