

## Conditions of licence

### Section 50 & Schedule 3 of New Roads and Street Works Act 1991.

#### Conditions of licence

1. This licence permits the holder to place or maintain and retain apparatus described in this licence on the public highway in accordance with the relevant provisions of the New Roads and Street Works Act and associated Regulations and Codes of Practice and the further conditions of this licence. The applicant must comply with Schedule 3 of the New Roads and Street Works Act 1991, the requirements for noticing, signing and guarding and for reinstatements and to the highway authority's powers to inspect, direct any works and to charge for inspections or delays. The applicant is required to serve notices when programming any works, including initially placing the apparatus on the highway

2. The applicant is responsible for obtaining any other consent or licences as may be required for the intended works

3. All works carried out on apparatus described in this licence shall be undertaken by operatives accredited for such work under the New Roads and Street Works Act 1991 Codes of Practice. Each time work is to be carried out on the apparatus, including the initial installation, the applicant shall provide proof that the operatives carrying out such works hold valid, relevant accreditation. Such proof should be included with the notification of the intended works

4. Prior to initial installation and before each and every time maintenance of the apparatus is carried out, (including maintenance that only requires traffic management on the public highway) the applicant shall obtain a relevant excavation licence (Section 171). This licence will serve as the notice required by the highway authority to coordinate all activities on the public highway

5. a) Pursuant to paragraphs 5(1) and (2) of Schedule 3 of the New Roads and Street Works Act 1991, where the Licensee ceases to use or otherwise parts with their interest in the apparatus, he shall give the Highway Authority not less than six weeks notice before doing so

b) Where the Licensee under a street works license granted to the owner of land and any successors in title proposes to part with his interest in the land, he shall before doing so seek the express and specific permission of the Highway Authority to assign, stating his proposals as to whom the benefit of the license is to be transferred

6. a) The Licensee shall indemnify the Borough Council pursuant to s82 New Roads and Street Works Act 1991 and Paragraph 8 of Schedule 3 of the New Roads and Street Works Act, and in addition shall indemnify the Borough Council against all liability, loss, claim or proceeding whatsoever arising under statute or common law in respect of the placing, retaining, inspecting, maintaining, adjusting, repairing, altering, renewing or removing of its apparatus on or under the highway

b) The Licensee shall hold public liability insurance in an amount not less than £10 million in respect of each and every occurrence or series of occurrences caused by or attributable to any event giving rise to a claim

c) The Licensee shall hold such insurance cover as set out at 7(b) for the lifetime of the licence

7.The apparatus shall be laid to such a position, depth and specification as described in the plans accompanying this licence or as directed by the highway authority

8.The applicant shall not interfere with any drain, culvert, gully, bridge, wall or other highway structure without the express and specific consent of the highway authority

9.The apparatus shall be maintained in a condition to the satisfaction of the highway authority. The highway authority may direct the applicant to carry out such works as may be required

10.This licence shall remain in force for as long as the apparatus remains on the public highway or until it is withdrawn by the highway authority or terminated by the applicant giving written notice under the provisions of paragraphs 5 and 6 of Schedule 3 of the New Roads and Street Works Act 1991

11. a) Where a street works licence expires or is withdrawn or surrendered, the Borough Council may, upon not less than 7 days' notice, remove the apparatus to which the licence relates or alter it in such manner as they think fit and reinstate the highway

b) Where the Borough Council's powers under clause 12(a) and Paragraph 7 Schedule 3 New Roads and Street Works Act 1991 are exercised, the current Licensee shall be liable for all expenses incurred by the Borough Council in doing so, and shall indemnify the Borough Council in respect of injury, damage or loss arising out of the execution by the Borough Council or the licensee of any works under clause 12(a).

12.Where required, to initially place the apparatus, the highway authority shall serve notices to the Statutory Undertakers in accordance with the requirements of the New Roads and Street Works Act 1991 on behalf of the applicant. Such notices must be made at least twenty-five working days prior to the start of the works to place the apparatus. These notices are to allow statutory Undertakers to determine any impact on their apparatus or planned works. The applicant shall allow for the notification process when programming their works.

13.Prior to the commencement of any works, the applicant shall determine the precise location of any existing apparatus and shall be responsible for arranging and carrying out any diversionary works required by the apparatus owner. The applicant shall allow for the need for any diversionary works when programming their works.

14.In the event of the licence not being granted by the highway authority, no refunds of the application fee will be refunded. In the event of this licence being revoked for failing to comply with the conditions of the licence, no refund will be made by the highway authority.

15.If the apparatus is subsequently adopted by a Statutory Undertaker or other third party, the applicant should notify the Borough Council of the adoption so that the councils records can be updated and the licence dissolved or reassigned to the new owner.

14.The highway authority will record the general location, nature and owner of licenced private apparatus and will make the information available to anyone with a lawful reason to be aware of the apparatus.

Note

- The 'highway' includes the carriageway, footway and any verge

- If the applicant objects to these conditions or a refusal by the highway authority to approve a licence then an appeal may be made to the Secretary of State
- 'on the highway' means on, over or under the highway