

ISLE OF WIGHT COUNCIL - HIGHWAYS PFI

SCHEDULE 23 – STATUTORY FUNCTIONS

SCHEDULE 23

Statutory Functions

Part 1

Authorised Highway Functions

Section A

Functions conferred by the Highways Act 1980 or any regulations under any provision of that Act

1. Functions conferred on the Authority as Highway Authority pursuant to the following provisions of the 1980 Act (subject to the limitations specified in the fourth column of the table below):

Item	Section No.	Section Description	Limitation on Delegation
1.1	Section 41(1) & Section 41 (1A)	<i>(Highway Authority's duty to maintain highway maintainable at public expense).</i>	No limitations.
1.2	Section 62	<i>(General power of improvement).</i>	No limitations.
1.3	Section 64	<i>(Dual carriageways and roundabouts).</i>	No limitations.
1.4	Section 65	<i>(Cycle tracks) (but not including the functions of a local highway authority).</i>	No limitations.
1.5	Section 66	<i>(Provision of footways and guard-rails etc. for publicly maintainable highways).</i>	No limitations.
1.6	Section 68	<i>(Refuges).</i>	No limitations.

Item	Section No.	Section Description	Limitation on Delegation
1.7	Section 69(1)	<i>(Highway Authority's powers to construct, light, etc. subways).</i>	No limitations.
1.8	Section 70	<i>(Footbridges over highways).</i>	No limitations.
1.9	Section 71	<i>(Margins for horses and livestock).</i>	No limitations.
1.10	Section 75(1) and (2)	<i>(Highway Authority's powers to vary widths of carriageways and footways).</i>	No limitations.
1.11	Section 76	<i>(Levelling of highways).</i>	No limitations.
1.12	Section 77	<i>(Alteration of levels).</i>	No limitations.
1.13	Section 78	<i>(Cutting off of corners).</i>	No limitations.
1.14	Section 80(1), (2), and (3)	<i>(Power to fence highways).</i>	No limitations.
1.15	Section 81	<i>(Provision of highway boundary posts).</i>	No limitations.
1.16	Section 84	<i>(Maintenance of cattle-grids and by-passes).</i>	No limitations.
1.17	Section 90	<i>(Protection of bridges and railways).</i>	No limitations.
1.18	Section 90G	<i>(Traffic calming works).</i>	No limitations.
1.19	Section 92	<i>(Reconstruction of bridge maintainable at public expense).</i>	Any exercise of this function is subject to the approval of the Authority in accordance with clause 5.4 <i>(Limits on Authorisation).</i>

Item	Section No.	Section Description	Limitation on Delegation
1.20	Section 96	<i>(Powers of highway and local authorities to plant trees, lay out grass verges etc.).</i>	No limitations.
1.21	Section 97	<i>(Lighting of highways).</i>	No limitations.
1.22	Section 99	<i>(Metalling of highways).</i>	No limitations.
1.23	Section 100(1), (2), (3), (4), (5), (6) and (6B)	<i>(Highway Authority's powers and duties relating to drainage of highways) except insofar as they relate to the power to enter premises under section 168 (Entry for works purposes) of the Water Industry Act 1991 .</i>	No limitations.
1.24	Section 101	<i>(Power to fill in roadside ditches etc.).</i>	No limitations.
1.25	Section 102	<i>(Provision of works for protecting highways against hazards of nature).</i>	No limitations.
1.26	Section 103	<i>(Provision of posts to indicate depth of flood water).</i>	No limitations.
1.27	Section 104	<i>(Mitigating nuisance of dust).</i>	No limitations.
1.28	Section 115H(1)	<i>(Duties to consult or obtain consent of other authorities).</i>	No limitations.
1.29	Section 133	<i>(Damage to footways of streets by excavations).</i>	No limitations.
1.30	Section 139(1) and (2)	<i>(Control of builders' skips).</i>	No limitations.
1.31	Section 140(2)	<i>(Removal of builders' skips).</i>	No limitations.

Item	Section No.	Section Description	Limitation on Delegation
1.32	Section 141(2)	<i>(Restriction of planting of trees etc in or near carriageway).</i>	No limitations.
1.33	Section 144(4)(b)	<i>(Power to erect flagpoles etc on the highways).</i>	No limitations.
1.34	Section 150(1), (2) and (4)	<i>(Highway Authority's duty to remove snow, soil etc. from highway) except insofar as they relate to an obstruction in a highway which is the property of any person.</i>	No limitations.
1.35	Section 167(2), (5) and (6)	<i>(Powers relating to retaining walls near streets).</i>	No limitations.
1.36	Section 169(1), (2), (3) and (4)	<i>(Control of scaffolding on highways).</i>	No limitations.
1.37	Section 171	<i>(Control of deposit of building materials and making of excavations in streets) (except insofar as functions conferred by or under section 171(7) relate to the removal of the property of any person.)</i>	No limitations.
1.38	Section 178(1)	<i>(Prohibition on placing rails, beams etc. over highways).</i>	The carrying out of this function is subject to the approval of the Authority in accordance with clause 5.4 <i>(Limits on Authorisation).</i>

2. Subject to paragraph 5 of this section A, functions conferred on the Authority as Highway Authority pursuant to section 288 *(Power to require gas and water pipes to be moved)* of the 1980 Act insofar as that provision applies to the exercise of any other function listed in part 1 of this schedule 23 *(Statutory Functions)*.

3. Subject to paragraph 5 of this section A, functions conferred on the Authority as competent authority, by virtue of its being a Highway Authority pursuant to the following provisions of the 1980 Act:

Item	Section No.	Section Description
3.1	Section 143(1)	<i>(Power to remove structures from highways).</i>
3.2	Section 154(1) and (2)	<i>(Cutting or felling etc of trees etc that overhang or are a danger to roads or footpaths).</i>
3.3	Section 185	<i>(Power to install refuse or storage bins in streets).</i>

4. Functions conferred on the Authority as Highway Authority pursuant to the following provisions of the Walkway Regulations 1973:

Item	Regulation	Regulation Description
4.1	Regulation 3(1)	<i>(Modification of statutory provisions).</i>
4.2	Regulation 4(1)	<i>(Rights of statutory undertakers etc.).</i>
4.3	Regulation 5(3)	<i>(Periodic and temporary closure of walkways).</i>
4.4	Regulation 6	<i>(Stopping up of walkway by building owner).</i>

5. Paragraphs 1 to 3 of this section A shall not include:

- 5.1 any functions conferred on the Authority pursuant to Section 294 (*Entry etc., of premises by Highway Authority or Authority for certain purposes*) of the 1980 Act; or
- 5.2 any function that confers a power or right of entry into or on any premises or land of which the Authority is not the owner or occupier.

6. Where Section 338 (*Saving for works, etc., of dock, harbour and canal undertakers*) and/or Section 339 (*Saving for works etc. of drainage authorities etc.*) of the 1980 Act apply to the exercise of any functions listed in paragraphs 1 to 3 of this section A, the exercise of such functions shall be construed as including any additional requirements imposed by Section 338

(Saving for works, etc., of dock, harbour and canal undertakers) and/or Section 339 (Saving for works etc. of drainage authorities etc.) as applicable.

Section B

Functions conferred by NRSWA or regulations under any provision of NRSWA

1. Functions conferred on the Authority as Street Authority pursuant to the following provisions of NRSWA:
 - 1.1 Section 53 (*The street works register*);
 - 1.2 Section 54(1), (4), (4A) and (4B) (*Advance notice of certain works*);
 - 1.3 Section 55(1), (4) and (8) (*Notice of starting date of works*);
 - 1.4 Section 56(1), (1A) and (4) (*Power to give directions as to the timing of street works*);
 - 1.5 Section 56A(1), (3) and (8) (*Power to give directions as to placing of apparatus*);
 - 1.6 Section 57(2) (*Notice of emergency works*);
 - 1.7 Section 58 (*Restriction on works following substantial road works*);
 - 1.8 Section 58A and Schedule 3A, paragraphs 1(1), 2(1) and (4), 3(1) and 4(1), (6), (8), (9), and (10) and 5(2)(b) and (3) (*Restrictions on works following substantial street works*);
 - 1.9 Section 59 (*General duty of Street Authority to co-ordinate works*);
 - 1.10 Section 60(1) (*General duty of undertakers to co-operate*);
 - 1.11 Section 61 (*Protected streets*) except for sub-paragraph (b) in the second paragraph of Sub-Section (1);
 - 1.12 Section 65(5) (*Safety measures*);
 - 1.13 Section 66(3) and (4) (*Avoidance of any unnecessary delay or obstruction*);
 - 1.14 Section 68(1) (*Facilities to be afforded to street authority*);
 - 1.15 Section 70(3) and 70(4A) (*Duty of undertaker to reinstate*);
 - 1.16 Section 72 (*Powers of Street Authority in relation to reinstatement*);

- 1.17 Section 75 (*Inspection fees*);
 - 1.18 Section 81 (*Duty to maintain apparatus*);
 - 1.19 Section 82(1) (*Liability for damage or loss caused*);
 - 1.20 Section 87(4) (*Prospectively maintainable highways*); and
 - 1.21 Section 94(1) and 94(2) (*Power of Street Authority or district council to undertake street works*).
2. Functions conferred on the Authority as Traffic Authority pursuant to Section 65(2) of NRSWA (*Statutory Undertaker to comply with directions given by Traffic Authority*).
 3. Functions conferred on the Authority as a relevant authority, other than a Street Authority, pursuant to the following provisions of NRSWA:
 - 3.1 Section 81 (*Duty to maintain apparatus*); and
 - 3.2 Section 82(1) (*Liability for damage or loss caused*).
 4. Functions conferred on the Authority as Highway Authority or as Bridge Authority pursuant to the following provisions of NRSWA:
 - 4.1 Section 83 (*Works for road purposes likely to affect apparatus in the street*);
 - 4.2 Section 84(1), 84(3) and 84(4) (*Measures necessary where apparatus affected by major works*);
 - 4.3 Section 85(1) and 85(3) (*Sharing cost of necessary measures*); and
 - 4.4 Section 88(4) and 88(5) (*Bridges, bridge authorities and related matters*).
 5. Functions conferred on the Authority as responsible authority pursuant to Section 90 of NRSWA (*Provisions as to reinstatement of sewers, drains or tunnels*).
 6. Functions conferred on the Authority as Street Authority pursuant to Regulation 3 (*Inspection Fees*) of the Street Works (Inspection Fees) (England) Regulations 2002 (SI 2002/2092).
 7. Functions conferred on the Authority as Street Authority pursuant to Regulation 3 of the Street Works (Reinstatement) Regulation 1992 (SI 1992/1689).

8. Functions conferred on the Authority as Highway Authority or as Bridge Authority pursuant to the Street Works (Sharing of Cost of Works) (England) Regulations 2000 (SI 2000/3314).
9. Functions conferred on the Authority as Street Authority pursuant to Regulations 3 and 4 of the Street Works (Maintenance) Regulations 1992 (SI 1992/1691).
10. Functions conferred on the Authority as Street Authority, Highway Authority and/or Bridge Authority pursuant to any of the following provisions of the Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 (SI 2007/1951):
 - 10.1 Regulation 4(4) and 4(5) (*Street works register*);
 - 10.2 Regulation 6 (*Manner of service of notices*);
 - 10.3 Regulation 7 (*Manner of service of copy notices*);
 - 10.4 Regulation 9(1), 9(2) and 9(3) (*Notice of starting date of works*);
 - 10.5 Regulation 10(1) and 10(2) (*Procedure for giving directions under Section 56 or 56A*);
 - 10.6 Regulation 11(3), 11(5) and 11(9) (*Restriction on works following substantial road works*);
 - 10.7 Regulation 12(3), 12(4) and 12(7) (*Restrictions on works following substantial street works*);
 - 10.8 Regulation 14(3) (*Designation of streets as protected*);
 - 10.9 Regulation 15(3) (*Designation of streets as having special engineering difficulties*);
and
 - 10.10 Regulation 16(6) (*Designation of streets as traffic sensitive*).
11. Functions conferred on the Authority as Highway Authority pursuant to the Street Works Register (Registration Fees) Regulations 1999 (SI 1999/1048.).
12. Functions conferred on the Authority as the Street Authority pursuant to Regulations 5(1) or 5(6) (*manner of service of a fixed penalty notice or a notice withdrawing a fixed penalty notice*) of the Street Works (Fixed Penalty) (England) Regulations 2007 (SI 2007/1952).

13. Functions conferred on the Authority as Highway Authority pursuant to the following sections of the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2009 (SI 2009/303).

13.1 Regulation 6 (*Notices*);

13.2 Regulation 9(1) (*Prescribed charges and prescribed periods*);

13.3 Regulation 10 (*Estimates of duration of works*); and

13.4 Regulation 11 (*Further and revised estimates of duration of works*).

Section C

Functions Conferred By Miscellaneous Enactments

1. Functions conferred on the Authority as Highway Authority pursuant to Section 153 (*Power to require gas and water pipes to be moved*) of the Public Health Act 1875.
2. Functions conferred on the Authority as Highway Authority pursuant to Section 14 (*Public drinking fountains, seats, etc. in streets*) of the Public Health Act 1925.
3. Functions conferred on the Authority pursuant to Sections 5(1) and (2) (*Consents to exercise of powers under Section 4 (Provision of omnibus shelters etc.)*) of the Local Government (Miscellaneous Provisions) Act 1953.
4. Functions conferred on the Authority pursuant to Section 5(1) and 5(2) (*Provisions as to consents and access*) of the Parish Councils Act 1957.
5. Functions conferred on the Authority as Highway Authority pursuant to the following provisions of the Public Health Act 1961:
 - 5.1 Section 45 (*Attachment of street lamps to buildings*); and
 - 5.2 Section 81 (*Summary recovery of damages for negligence*).
6. Functions conferred on the Authority pursuant to Section 5(6) (*Litter bins in England and Wales*) of, and schedule 1 to, the Litter Act 1983.
7. Functions conferred on the Authority as Highway Authority pursuant to Section 72(1) (*Powers exercisable by parish or community councils*) of the Road Traffic Regulation Act 1984.
8. Functions conferred on the Authority as Highway Authority pursuant to Sections 4 (*Provision of barriers in cycle tracks, etc.*) or 5(1) (*Compensation*) of the Cycle Tracks Act 1984.

Statutory Functions

Part 2

Services in relation to the Authority's functions

1. The Service Provider shall perform the following services in relation to functions conferred on the Authority pursuant to NRSWA:
 - 1.1 Section 50:
 - 1.1.1 advise the Authority on the granting of Street Works Licences, including commenting on all draft licences received and preparing such licences (in such form as the Authority may from time to time authorise) for issue by the Authority (provided that such licences shall not inure beyond the Contract Period); and
 - 1.1.2 agree with the Authority the reasonable fee to be charged in relation to the issue of a Street Works Licence and assist the Authority in recovering such amounts from the licensee, provided that such fee shall be retained by the Authority.
 - 1.2 Section 51(4):
 - 1.2.1 prepare appropriate notices for issue by the Authority and advise the Authority on the necessity of such notices;
 - 1.2.2 where the recipient of any notice issued pursuant to paragraph 1.2.1 above fails to comply with such notice (and if instructed by the Authority), arrange for the removal of unauthorised Apparatus from the Project Facilities or take steps to reinstate any street, sewer, drain or tunnel; and
 - 1.2.3 assist the Authority in recovering the costs of any action taken pursuant to paragraph 1.2.2, provided that the Service Provider shall retain any costs recovered.
 - 1.3 Section 57(2):
 - 1.3.1 receive notices of emergency works; and

- 1.3.2 provide copies of all emergency works notices to the keeper of the Street Works Register and to the Authority's nominee.
- 1.4 Section 60(2):
 - 1.4.1 advise the Authority on the action to be taken in consequence of a Statutory Undertaker failing to comply with Section 60(1); and
 - 1.4.2 preparing appropriate notices for issue by the Authority.
- 1.5 Section 62:
 - 1.5.1 advising the Authority on the issue of a notice under Section 62(2), and drafting such notice;
 - 1.5.2 advising the Authority on the issue of appropriate directions under Sections 62(3) and 62(4), and drafting such directions; and
 - 1.5.3 participate in or, where instructed by the Authority, conduct any arbitration pursuant to Section 62(5).
- 1.6 Section 74:
 - 1.6.1 receive notices from Statutory Undertakers where duration of works will exceed prescribed period pursuant to Section 74(3);
 - 1.6.2 advise the Authority on and prepare for issue by the Authority, appropriate notices objecting to Statutory Undertakers' estimates pursuant to Section 74(3);
 - 1.6.3 receive revised estimates from Statutory Undertaker where works are likely to exceed the prescribed period pursuant to Section 74(4);
 - 1.6.4 advise the Authority on and prepare for issue by the Authority, appropriate notices objecting to the estimate pursuant to Section 74(4); and
 - 1.6.5 agree with the Authority the fee to be charged to Statutory Undertakers in accordance with the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway)(England) Regulations 2001 for the occupation of the Project Facilities where works carried out by Statutory Undertakers have been unreasonably prolonged.

1.7 Section 76:

- 1.7.1 agree with the Authority the costs to be charged to Statutory Undertakers in connection with making and/or issuing an order pursuant to Section 14 Road Traffic Regulation Act 1984.

SCHEDULE 23

Statutory Functions

Part 3

Further Services relating to the Authority's NRSWA functions

1. Where the 2009 Order or any replacement order ceases to be effective in respect of one or more of the following Authorised Functions, the Service Provider shall carry out the corresponding services set out below in respect of the previously Authorised Function:
 - 1.1 Section 53 of NRSWA:
 - 1.1.1 provide to the keeper of the Street Works Register such information as may be prescribed pursuant to Section 53 and such other information that the Service Provider becomes aware of that is eligible for registration; and
 - 1.1.2 make such payments as the Secretary of State for Transport may require in relation to the Project Facilities pursuant to Section 53(5).
 - 1.2 Section 54(1) of NRSWA:
 - 1.2.1 receive the prescribed advance notice of works from Statutory Undertakers; and
 - 1.2.2 copy such notices to the keeper of the Street Works Register and to the Authority's nominee.
 - 1.3 Section 54(4) of NRSWA:
 - 1.3.1 prepare for issue by the Authority, appropriate directions to be given to Statutory Undertakers relating to the provision of information and other procedural steps necessary for the co-ordination of the Statutory Undertakers' proposed works; and
 - 1.3.2 advise the Authority on the necessity for the same.
 - 1.4 Section 55(1) of NRSWA:
 - 1.4.1 receive notices relating to the start date of works; and

- 1.4.2 provide copies of such notices to the keeper of the Street Works Register and the Authority's nominee.
- 1.5 Section 55(4) of NRSWA:
 - 1.5.1 prepare, for issue by the Authority, appropriate consents to be given to Statutory Undertakers; and
 - 1.5.2 advise the Authority on the necessity for the same.
- 1.6 Section 56(1) and 56(4) of NRSWA:
 - 1.6.1 prepare, for issue by the Authority, appropriate directions as to the timing of street works to comply with the Codes of Practice; and
 - 1.6.2 advise the Authority on the necessity for the same.
- 1.7 Section 58 of NRSWA:
 - 1.7.1 prepare, for issue by the Authority, appropriate notices to be given restricting street works following substantial road works and advise the Authority on the necessity for the same;
 - 1.7.2 prepare, for issue by the Authority, appropriate consents to be given to the Statutory Undertakers pursuant to Section 58(5)(b) and advise the Authority on the necessity for the same;
 - 1.7.3 advise the Authority on reinstatement of the highway pursuant to Section 58(6) following unauthorised works; and
 - 1.7.4 advise the Authority on costs incurred in reinstating the highway and assist the Authority in recovering such sums from the Statutory Undertakers.
- 1.8 Section 59 of NRSWA:
 - 1.8.1 without prejudice to the provisions of clause 5 (*Delegation of Statutory Functions*), advise the Authority with regard to the co-ordination of the execution of works of all kinds affecting the Project Facilities in the manner set out in Sections 59(1)(a), (b) and (c);
 - 1.8.2 advise the Authority with regard to the steps necessary to ensure co-ordination with other Street Authorities pursuant to Section 59(2);

- 1.8.3 supply to the Authority any information required by the Secretary of State for Transport pursuant to Section 59(4); and
 - 1.8.4 assist the Authority in taking any steps directed by the Secretary of State for Transport pursuant to Section 59(5) or 59(6).
- 1.9 Section 61 of NRSWA:
- 1.9.1 prepare, for issue by the Authority, appropriate consents pursuant to Section 61(1) and advise the Authority on the necessity for the same;
 - 1.9.2 agree with the Authority the appropriate fee to be paid by the Statutory Undertaker to the Authority pursuant to Section 61(3) and then assist the Authority in recovering such fees;
 - 1.9.3 advise the Authority on placing conditions upon its consent and on contributing to expenses under Section 61(5); and
 - 1.9.4 participate in or, if so instructed by the Authority, conduct any arbitration pursuant to Section 61(6).
- 1.10 Section 65(2) of NRSWA
- 1.10.1 prepare, for issue by the Authority, appropriate directions regarding traffic signs and advise the Authority on the necessity for the same; and
 - 1.10.2 monitor Statutory Undertaker compliance with directions, issued pursuant to paragraph 2.1 and advise the Authority accordingly.
- 1.11 Section 65(5) of NRSWA:
- 1.11.1 advise the Authority if a Statutory Undertaker has failed to comply with Section 65(1) or 65(2) and advise on what steps shall be taken in consequence; and
 - 1.11.2 advise the Authority on costs incurred in taking any steps pursuant to paragraph 1.11.1 above and assist the Authority in recovering such costs.

1.12 Section 66 of NRSWA:

1.12.1 prepare, for issue by the Authority, appropriate notices to be given to Statutory Undertakers requiring them to take steps to mitigate or discontinue obstructions and advise the Authority on the necessity for the same;

1.12.2 advise the Authority if Statutory Undertakers fail to comply with notices served under Section 66(3) and advise on steps which should be taken in consequence; and

1.12.3 assist the Authority in recovering costs incurred in consequence of any failure by a Statutory Undertaker.

1.13 Section 68(1) of NRSWA:

1.13.1 carry out such inspections or investigatory works on the Project Facilities as may be necessary to ascertain whether Statutory Undertakers have complied with their duties under NRSWA, provided always that no charge will be made for any sample inspections.

1.14 Section 70 of NRSWA:

1.14.1 receive notices from Statutory Undertakers pursuant to Sections 70(3) and 70(4) and supply a copy of such notices to the Authority's nominee.

1.15 Section 72 of NRSWA:

1.15.1 carry out such investigatory works as may be necessary to ascertain whether Statutory Undertakers have complied with their duties in respect to reinstatement and advise the Authority accordingly;

1.15.2 prepare, for issue by the Authority, appropriate notices pursuant to Section 72(3) and advise the Authority on the necessity for the same;

1.15.3 advise the Authority on the necessity to carry out works pursuant to Sections 72(3) and 72(4). If required by the Authority, arrange the carrying out of such works and notify the Authority of the costs of such works. Assist the Authority in recovering such costs; and

1.15.4 where relevant, prepare appropriate notices for issue by the Authority pursuant to Section 72(4).

1.16 Section 81 of NRSWA:

1.16.1 monitor that Statutory Undertaker apparatus is being properly maintained and advise the Authority accordingly;

1.16.2 where Statutory Undertaker apparatus is not being properly maintained, advise the Authority whether emergency works are required to be executed in consequence of such failure;

1.16.3 where required by the Authority, arrange the carrying out of such emergency works; and

1.16.4 where required by the Authority, assist the Authority in recovering sums pursuant to Section 81(5) and prepare for issue by the Authority appropriate notices pursuant to Section 81(6).

1.17 Section 82 of NRSWA:

1.17.1 advise the Authority if any of the events described in Section 82(2) occur; and

1.17.2 assist the Authority in recovering all sums pursuant to Section 82 (1).

1.18 Section 83 of NRSWA:

1.18.1 prepare, for issue by the Authority, appropriate notices informing Statutory Undertakers of Works for Road Purposes likely to affect their apparatus.

1.19 Section 84 of NRSWA:

1.19.1 on behalf of the Authority, liaise with the Statutory Undertakers in identifying measures and settling specifications in connection with Diversionary Works;

1.19.2 where instructed by the Authority, co-ordinate Diversionary Works and the carrying out of Operations;

1.19.3 participate in or, where instructed by the Authority, conduct any arbitration proceedings brought pursuant to Section 84(3); and

1.19.4 assist the Authority in recovering sums pursuant to Section 84(4).

1.20 Section 88 of NRSWA:

1.20.1 monitor the execution of works by Statutory Undertakers and advise the Authority accordingly (including any requirements to be imposed on the Statutory Undertaker for the protection of bridges or for securing access). Prepare for issue by the Authority appropriate notices setting out such requirements.

1.21 Section 90 of NRSWA:

1.21.1 advise on and prepare, for issue by the Authority, appropriate notices to Statutory Undertakers requiring remedial works to be carried out on sewers, drains or tunnels owned by the Authority;

1.21.2 advise the Authority on the works needing to be carried out in consequence of a failure by a Statutory Undertaker to comply with notices issued pursuant to paragraph 1.20.1 and, where required by the Authority, arrange the carrying out of such works and assist the Authority in recovering the costs of such works;

1.21.3 advise the Authority where the Statutory Undertaker has failed to comply with its duties to reinstate (thereby causing a danger to the users of the street);

1.21.4 advise the Authority of all works required to be carried out in consequence of any failure pursuant to paragraph 1.20.3;

1.21.5 if required, arrange the carrying out of such works, and assist the Authority in recovering the costs of such works from the Statutory Undertaker; and

1.21.6 if required, prepare for issue by the Authority appropriate notices pursuant to Section 90(3).

SCHEDULE 23

Statutory Functions

Part 4

NRSWA Fees, Costs and Charges

ITEM	STATUTORY BASIS	NATURE OF MONIES	BENEFICIARY
1.	Section 50 and Schedule 3 Paragraph 2 NRSWA	Fee for grant of Street Works Licence and annual fee for its administration.	[REDACTED]
2.	Section 51 NRSWA	Cost of undertaking works to remove unauthorised apparatus.	[REDACTED]
3.	Section 53 NRSWA and Street Works Register (Registration Fees) Regulations SI 1999 No. 1048	Fee for registration of prescribed information in Street Works Register.	[REDACTED]
4.	Section 61 NRSWA	Fee for giving statutory undertaker consent to place apparatus in a protected street.	[REDACTED]
5.	Section 65 NRSWA	Cost of arranging safety measures in default of a statutory undertaker so doing.	[REDACTED]
6.	Section 66 NRSWA	Cost of arranging for obstruction to be mitigated / discontinued in default of a statutory undertaker so doing.	[REDACTED]
7.	Section 72 NRSWA	Cost of executing remedial works in relation to reinstatement.	[REDACTED]
8.	Section 72(2A) NRSWA	Fee for inspection in relation to reinstatement.	[REDACTED]

ITEM	STATUTORY BASIS	NATURE OF MONIES	BENEFICIARY
9.	Section 74 NRSWA and Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2001 SI 2001 No. 1281	Charge for occupation of the highway where works exceed prescribed period and works are not completed within a reasonable period.	[REDACTED]
10.	Section 74A NRSWA and Street Works (Charges for Occupation of the Highway) (England) Regulations 2001 SI 2001 No. 4060	Charge payable by reference to the whole duration of street works.	[REDACTED]
11.	Section 75 NRSWA and Street Works (Inspection Fees) (England) Regulations 2002 SI 2002 No. 2092 as amended by Street Works (Inspection Fees) (England) (Amendment) Regulations 2004 SI 2004 No. 572	Fees payable for inspection of works carried out by undertaker.	[REDACTED]
12.	Section 76 NRSWA	Costs incurred in connection with the making of an order under section 14 Road Traffic Regulation Act 1984.	[REDACTED]
13.	Section 77 NRSWA	Indemnity from statutory undertaker in respect of strengthening or making good any damage to the highway.	[REDACTED]
14.	Section 78 NRSWA	Undertaker's contribution to the costs incurred or likely to be incurred in the works of reconstruction or re-surfacing of a street.	[REDACTED]

ITEM	STATUTORY BASIS	NATURE OF MONIES	BENEFICIARY
15.	Section 81 NRSWA	Indemnity from statutory undertaker in respect of costs incurred in executing works needed to enable apparatus to be inspected.	[REDACTED]
16.	Section 82 NRSWA	Compensation payable by undertaker as a result of execution by undertaker of street works or of any event comprising explosion, ignition, discharge or other event occurring to gas, electricity, water or any other thing required for the purpose of a supply or service provided by an undertaker.	[REDACTED]
17.	Section 85 NRSWA and Street Works (Sharing of Cost of Works) Regulations 2000 SI 2000 No. 3314	Payment of allowable costs of the measures needing to be taken in relation to undertaker's apparatus in consequence of major highway works, major bridge works or major transport works.	[REDACTED]
18.	Section 90 NRSWA	Cost of undertaking reinstating works where street works have been performed by statutory undertaker which involve breaking up or opening a sewer, drain or tunnel.	[REDACTED]
19.	Street Works (Fixed Penalty) (England) Regulations 2007 SI 2007 No. 1952.	Fixed penalty notices	[REDACTED]

SCHEDULE 23

PART 4A OTHER APPLICABLE FEES AND CHARGES

Design and Development		
Item:	Nature of Monies:	Beneficiaries:
Inspection Fees - Developer Works	S 38 Wks - 7.5% of construction costs. S171 & S278 Wks - 8.5% of construction costs. Inflation of construction costs will result in greater income with same percentage levy.	[REDACTED]
Personal Search letter	per written response	[REDACTED]
Development Control		
Item:	Nature of Monies:	Beneficiaries:
Street Naming & Numbering of new properties - 1-5 plots	Per plot	[REDACTED]
Street Naming & Numbering of new properties - 6-10 plots	Per plot	[REDACTED]
Street Naming & Numbering of new properties - 11-20 plots	Per plot	[REDACTED]
Street Naming & Numbering of new properties - 21-30 plots	Per plot	[REDACTED]
Street Naming & Numbering of new properties - 31-50 plots	Per plot	[REDACTED]
Street Naming & Numbering of new properties - 51-100 plots	Per plot	[REDACTED]
Property Name Change	Per property	[REDACTED]
Property Name Change requested by residents	Per property	[REDACTED]
Re-naming of street/access road re-	Per plot	[REDACTED]

numbering of new developer		[REDACTED]
Personal Searches	Per	[REDACTED]
MEMORIAL TREES AND SEATS		
Item:	Nature of Monies:	Beneficiaries:
Dedicated Seats	Per type of seat	[REDACTED]
New	Per type of seat	[REDACTED]
Refurbish old seat	Per type of seat	[REDACTED]
Install plaque on seat	Per plaque	[REDACTED]
Memorial Trees	Per Species	[REDACTED]
CCTV		
Item:	Nature of Monies:	Beneficiaries:
Site assessment visit	Per visit	[REDACTED]
Installation and removal of wiring, CCTV camera (regardless of the model) and signage	One off charge	[REDACTED]
Download images and Discs	One off charge	[REDACTED]
Standard re-deployable CCTV camera	Per camera per week	[REDACTED]
Optional dial up re-deployable CCTV camera with check in facility to view live images at targeted times	Per camera per week	[REDACTED]
HIGHWAYS AND ENGINEERING		
Item:	Nature of Monies:	Beneficiaries:
Abandoned Vehicles		[REDACTED]

Removal of abandoned vehicles	In Line with National guidelines	
Vehicle in custody of Local Authority	In Line with National guidelines	
Disposal of abandoned vehicle	In Line with National guidelines	
ENVIRONMENT		
Item:	Nature of Monies:	Beneficiaries:
Dog Fouling	Issuing of Fixed Penalty Tickets	
Littering of Project Network	Issuing of Fixed Penalty Tickets	
ALL OTHER APPLICABLE FEES AND CHARGES		
Any other fees and charges received by the Service Provider under the Contract in relation to the exercise of statutory functions where the beneficiary of such payment is not expressly stated within the Contract shall be shared between the Authority and the Service Provider following deduction of the costs incurred by the Service Provider in relation to the receipt, collection or other processes related to the fees and charges with the Authority receiving [REDACTED] of the fees and charges received (less applicable deductions) and the Service Provider retaining [REDACTED] of the fees and charges received (less applicable deductions).		

SCHEDULE 23

Statutory Functions

Part 5

Agreed Form Specified Licence

ES 4.186(a) - issue 1

ES 4.186(b) - issue 1

ES 4.186(c) - issue 1

ES 4.186(d) - issue 1

ES 4.186(e) - issue 1

ES 4.186(f) - issue 1

PART 1

(FORM SWL 1)

NOTES FOR GUIDANCE

1. The person granted a Street Works Licence becomes an Undertaker for the purposes of the New Roads & Street Works Act 1991, and therefore attracts the relevant duties and responsibilities imposed by the Act and associated Secondary Legislation and Codes of Practice.
2. Financial penalties will be imposed by the Street Authority against 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 a Statutory Body) who wishes to place, retain and thereafter inspect, maintain, adjust, repair, alter or renew apparatus in the highway, or change its position or remove it from the highway.
4. The term apparatus includes drains, cables, ducts, sewer pipes, water and gas pipes etc.
5. Form SWL2 must be completed for authorisation to place new apparatus in the highway. The form must be signed by the owner of the apparatus, which will normally be the property owner or developer (i.e. the instigator of the work) and must be submitted to the Street Authority together with:

- a) Payment of [£*] being
 - (i) Administration fee [£*]
 - (ii) Inspection fee [£*]
 - (iii) Capitalised fee in lieu of annual charge [£*]
- b) Form SWL6 – Statutory Undertakers Declaration / Requirements

The owner of the apparatus is required to notify each public utility company of their intended work and to request information regarding apparatus in the affected area. The owner of the apparatus will usually provide drawings or mark the position on site.

- c) Proof of Public Liability Insurance. This must provide a minimum of £5 million indemnity and must be maintained from commencement of work on the highway, up to completion and acceptance by the Street Authority of the permanent reinstatement.
 - d) Form SWL4 – Accredited Site Supervisor & Operative. This should be completed by the contractor and should be accompanied by the relevant certificates or national registration cards.
 - e) **All** cancellations will be subject to an administration charge of [£*]
 - f) **ALL** works commencing with the Street Authority's agreement before the two weeks required notice will be subject to an extra [£*] charge.
6. Form SWL3 must be completed for consent to work on existing apparatus in the highway. The form must be signed by the owner of the apparatus, and must be submitted to the Street Authority together with:
 - a) Payment of [£*] being:
 - (i) Administration fee [£*]
 - (ii) Inspection fee [£*]

- b) Form SWL 6 – Statutory Undertakers Declaration/Requirements.
See paragraph 5 (b) for additional information.
- c) Proof of Public Liability Insurance
See paragraph 5 c) for additional information.
- d) Form SWL4 – Accredited Site Supervisor & Operative.
- e) **All cancellations will be subject to an administration charge of [£*]**
- f) **All works commencing with the Street Authority's agreement before the two weeks required notice will be subject to an extra [£*] charge.**

See paragraph 5 (d) for additional information.

7. A Street Works Licence or Consent to Work on Existing Apparatus in the Highway 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.
8. In order for the Street Authority to comply with its statutory duty, all applications must be submitted at least two weeks in advance of the proposed date for commencement of work.
9. Applicants should note that Special Conditions may be imposed by the Street Authority:
 - a) To minimise the inconvenience to persons using the street, having regard in particular to people with a disability.
 - b) For Traffic Sensitive Streets, Streets with Special Engineering Difficulties and Protected Streets.

NB The applicant must strictly adhere to these conditions.
10. The licensee must permit the Street Authority to monitor his performance throughout all stages of the street works. These are: signing, guarding and excavation; signing, guarding and reinstatement; immediately after permanent reinstatement; between six and nine months after permanent reinstatement; during the one month preceding the end of the guarantee period (this period will begin from the date the Street Authority is notified of the accepted permanent reinstatement).
11. The licensee must inform the Street Authority of the completion of the reinstatement by the end of the following working day, stating whether it is interim or permanent. If an interim reinstatement is carried out, this must be made permanent within six months.
12. Form SWL5 – Registration of works

This form must be submitted to the Street Authority within seven days of completion of the works and clearance of the site.
13. . . .

Where the apparatus, in respect of which an application for a Street Works licence is made to the Street Authority, is to be placed or retained on a line crossing the street, and not along the line of the street, a person aggrieved by any of the following may appeal to the Secretary of State:
 - i. The refusal of the Street Authority to grant said person a licence;
 - ii. The refusal of the Street Authority to grant said person a licence, except on terms prohibiting its assignment;
 - iii. Any terms or conditions of the licence granted to said person

14. Reinstatement details and details of Signing and Guarding will be provided at the time of the application.
15. Guarantee periods:
 - Excavations less than 1.5m in depth = 2 years
 - Excavations greater than 1.5m in depth = 3 years
16. The Street Works Licence will remain valid for a period of 30 calendar days from the day of issue. After this period the licence will be revoked and the fee paid will be refunded less an administration fee of [£*]

PART 1

(FORM SWL 1)

NOTES FOR GUIDANCE

1. The person granted a Street Works Licence becomes an Undertaker for the purposes of the New Roads & Street Works Act 1991, and therefore attracts the relevant duties and responsibilities imposed by the Act and associated Secondary Legislation and Codes of Practice.
2. Financial penalties will be imposed by the Street Authority against 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 a Statutory Body) who wishes to place, retain and thereafter inspect, maintain, adjust, repair, alter or renew apparatus in the highway, or change its position or remove it from the highway.
4. The term apparatus includes drains, cables, ducts, sewer pipes, water and gas pipes etc.
5. Form SWL2 must be completed for authorisation to place new apparatus in the highway. The form must be signed by the owner of the apparatus, which will normally be the property owner or developer (i.e. the instigator of the work) and must be submitted to the Street Authority together with:
 - a) Payment of [£*] being
 - (i) Administration fee [£*]
 - (ii) Inspection fee [£*]
 - (iii) Capitalised fee in lieu of annual charge [£*]
 - b) Form SWL6 – Statutory Undertakers Declaration / Requirements

The owner of the apparatus is required to notify each public utility company of their intended work and to request information regarding apparatus in the affected area. The owner of the apparatus will usually provide drawings or mark the position on site.
 - c) Proof of Public Liability Insurance. This must provide a minimum of £5 million indemnity and must be maintained from commencement of work on the highway, up to completion and acceptance by the Street Authority of the permanent reinstatement.
 - d) Form SWL4 – Accredited Site Supervisor & Operative. This should be completed by the contractor and should be accompanied by the relevant certificates or national registration cards.
 - e) **All** cancellations will be subject to an administration charge of [£*]
 - f) **ALL** works commencing with the Street Authority's agreement before the two weeks required notice will be subject to an extra [£*] charge.
6. Form SWL3 must be completed for consent to work on existing apparatus in the highway. The form must be signed by the owner of the apparatus, and must be submitted to the Street Authority together with:
 - a) Payment of [£*] being:
 - (i) Administration fee [£*]
 - (ii) Inspection fee [£*]

- b) Form SWL 6 – Statutory Undertakers Declaration/Requirements.
See paragraph 5 (b) for additional information.
- c) Proof of Public Liability Insurance
See paragraph 5 c) for additional information.
- d) Form SWL4 – Accredited Site Supervisor & Operative.
- e) **All** cancellations will be subject to an administration charge of [£*]
- f) **All** works commencing with the Street Authority's agreement before the two weeks required notice will be subject to an extra [£*] charge.

See paragraph 5 (d) for additional information.

- 7. A Street Works Licence or Consent to Work on Existing Apparatus in the Highway 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.
- 8. In order for the Street Authority to comply with its statutory duty, all applications must be submitted at least two weeks in advance of the proposed date for commencement of work.
- 9. Applicants should note that Special Conditions may be imposed by the Street Authority:
 - a) To minimise the inconvenience to persons using the street, having regard in particular to people with a disability.
 - b) For Traffic Sensitive Streets, Streets with Special Engineering Difficulties and Protected Streets.

NB The applicant must strictly adhere to these conditions.

- 10. The licensee must permit the Street Authority to monitor his performance throughout all stages of the street works. These are: signing, guarding and excavation; signing, guarding and reinstatement; immediately after permanent reinstatement; between six and nine months after permanent reinstatement; during the one month preceding the end of the guarantee period (this period will begin from the date the Street Authority is notified of the accepted permanent reinstatement).
- 11. The licensee must inform the Street Authority of the completion of the reinstatement by the end of the following working day, stating whether it is interim or permanent. If an interim reinstatement is carried out, this must be made permanent within six months.
- 12. Form SWL5 – Registration of works

This form must be submitted to the Street Authority within seven days of completion of the works and clearance of the site.

13.

Where the apparatus, in respect of which an application for a Street Works licence is made to the Street Authority, is to be placed or retained on a line crossing the street, and not along the line of the street, a person aggrieved by any of the following may appeal to the Secretary of State:

- i. The refusal of the Street Authority to grant said person a licence;
- ii. The refusal of the Street Authority to grant said person a licence, except on terms prohibiting its assignment;
- iii. Any terms or conditions of the licence granted to said person

14. Reinstatement details and details of Signing and Guarding will be provided at the time of the application.
15. Guarantee periods:
Excavations less than 1.5m in depth = 2 years
Excavations greater than 1.5m in depth = 3 years
16. The Street Works Licence will remain valid for a period of 30 calendar days from the day of issue. After this period the licence will be revoked and the fee paid will be refunded less an administration fee of [£*]

**STREET WORKS LICENCE APPLICATION FOR PLACING APPARATUS IN THE HIGHWAY
SECTION 50, NEW ROADS AND STREET WORKS ACT 1991**

Cheque Received

Ref

Receipt Number

To : [*]

(NB – Those applicants not familiar with the requirements of this legislation are strongly advised to appoint a contractor with the appropriate knowledge to help complete this application and to conduct the works on their behalf.)

Non-compliance with any requirement of the New Roads and Street Works Act 1991 may result in severe financial penalties. All applicants are advised to seek appropriate professional advice in relation to this application and any works carried out.


SECTION 1	Owner of Apparatus (eg Property owner/Instigator of work)		
Surname: _____		Forenames: _____	
Address: _____			
Postcode	☎ Work: _____	☎ Home: _____	

SECTION 2	Precise Location of Proposed Works (Tick boxes where necessary) (A detailed plan <u>must</u> be submitted with this form.)										
Property/Reference: _____				Road/Street: _____							
District/Parish/Ward: _____				City/Town/Village: _____							
Postcode: _____				National Grid Ref: _____							
Category of Works:	Emergency	<input type="checkbox"/>	Minor with Excavation	<input type="checkbox"/>	Minor without Excavation	<input type="checkbox"/>	Standard Works	<input type="checkbox"/>	Major Project	<input type="checkbox"/>	
	Urgent	<input type="checkbox"/>									
Type of Works: _____											
Estimated Length Of Works (m) _____			Average depth of excavation:		Up to 1.5m	<input type="checkbox"/>	Over 1.5m	<input type="checkbox"/>	Works with No excavation		<input type="checkbox"/>
Proposed start date: _____				Estimated Duration:	Hours		Days		Months		
Proposed finish date: _____											
Hours of Working:	Daylight	<input type="checkbox"/>	24 hours	<input type="checkbox"/>	Night time	<input type="checkbox"/>	AM only	<input type="checkbox"/>	PM only	<input type="checkbox"/>	
Work lies within:	Verge	<input type="checkbox"/>	Footway	<input type="checkbox"/>	Carriageway	<input type="checkbox"/>	All	<input type="checkbox"/>			
Proposed flow control:	Stop/Go boards	<input type="checkbox"/>	Temp traffic signals	<input type="checkbox"/>	Road closure	<input type="checkbox"/>	Priority flow	<input type="checkbox"/>	Not to be used	<input type="checkbox"/>	

SECTION 3	Details of person conducting the works
Name: _____	

Address:



SECTION 4	Insurance – Public Liability Insurance of a minimum £5m must be provided up to completion of the permanent reinstatement. (Proof must be submitted with this form.)	
Company Name: _____	Address: _____	
 _____	Policy No: _____	Expires (date): _____

SECTION 5	Declaration by Owner of Apparatus (as per Section 1)
<p>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 Road and Street Works Act 1991, and associated legislation and codes of practice, together with any other conditions imposed by the Street Authority in the relevant licence.</p> <p>I also acknowledge the statutory need for me to pay the prescribed inspection fees which will be imposed by the Street Authority, including any defect inspection fees and the cost of any necessary remedial works conducted by the Street Authority during the guarantee period.</p> <p>I also acknowledge that the licence is granted on the condition that I will indemnify the Street Authority against any claim in respect of injury, damage or loss arising out of :</p> <p>(a) The placing or presence in the street of apparatus to which the licence relates, or</p> <p>(b) The execution by any person of any works authorised by the licence.</p> <p>I also acknowledge that I have read and understand the Notes for Guidance contained in Part 1 (Form SWL1)</p> <p>Signed: _____ Date: _____</p>	

SECTION 6	Consent
<p>1. The Street Authority for the Highway mentioned in Section Two of Form SWL2 hereby grant to the party named in Section One of Form SWL2 (hereinafter called "the Licensee") with the intent that the same shall benefit and run with the property described in Section Two of Form SWL2 hereto Licence under Section 50 of the New Roads and Street Works Act 1991 to place and leave in the Highway in the position shown by a red broken line on the plan attached hereto the apparatus (hereinafter referred to as "the Apparatus") short particulars of which are set out in the Section Two of Form SWL2 hereto and to maintain repair and reinstate the Apparatus and break open and have access to the Highway for those purposes upon the terms and subject to the conditions hereinafter specified and subject also to the relevant conditions and provisions contained in Schedule 3 of the said Act and the Licensee hereby accepts the Licence upon and subject to the said terms conditions and provisions.</p> <p>2. This licence is granted to the owner of apparatus and his Successors in Title and where he proposes to part with his interest in the Apparatus, he shall before doing so give 6 weeks' notice to the Street Authority stating to whom the benefit of the licence is to be transferred.</p> <p>3. The Licensee shall :</p> <p>(a) Conduct all the relevant works in accordance with the requirements of the New Roads and Street Works Act 1991, and its associated Secondary Legislation and Code of Practice.</p> <p>(b) Indemnify the Street Authority against any claim in respect of injury, damage or loss arising out of :</p> <p>(i) the placing or presence in the street of Apparatus to which the licence relates, or</p> <p>(ii) the execution by any person of any works authorised by the licence;</p>	

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 7.

4. The Licensee shall pay the Street Authority in connection with the grant of the licence :
 - (a) The sum of [£*] in respect of administration expenses (non returnable)
 - (b) The sum of [£*] which the Street Authority will accept as a capitalised payment in lieu of the annual fee for administering the licence recoverable under Schedule 3 Section 2b of the New Roads and Street Works Act 1991.
 - (c) The sum of [£*] for the chargeable inspection fees.
 - (d) Works in excess of 200 metres in length will be subject to additional Inspection Fees.
5. The licence hereby granted shall remain in force until withdrawn by the Street Authority under Schedule 3 of the New Roads and Street Works Act 1991 or surrendered to the Street Authority by the Licensee.
6. The Street Authority may determine this licence at any time:
 - (a) on the expiration of such period as may be specified in the Notice being a period of not less than seven working days beginning with the date of service of the Notice on the Licensee if any condition of this licence is contravened by the Licensee or if the Street Authority becomes aware of the fact that the Licensee intends to cease using or has abandoned the Apparatus or intends to do so, or
 - (b) the Licensee 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) the Street Authority considers the withdrawal of the licence is necessary for the purpose of the exercise of their function as Street Authority.

NB: Under sub paragraph (c) not less than 3 months' notice will be given by the Street Authority.

7. Where a licence expires or is withdrawn or surrendered, the Street Authority :
 - (a) 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.
 - (b) if satisfied that the former Licensee can, within such reasonable time as they may specify, remove the Apparatus or alter it in such a manner as they may require and reinstate the street, they may authorise him to do so at his own expense. A further licence will be required for such works.
8. Any licence issued under this procedure by the Street Authority must not be construed as conferring any right for the applicant to make any connection to a sewer, drain, pipe, cable or other apparatus.
9. The licence does not confer any right on the Licensee, as against the owners of land which the highway is situated, to use the land. The Licensee must make his own arrangements with such owners in cases where their consent is needed.
10. In this licence the terms:

"Licensee" shall include the Successor in Title - Personal Representative - Receiver - Liquidator or Trustees of the licensee.

"Highway" shall include and apply to each and every Highway, when more than one Highway is specified in Section 2 of Form SWL 1 hereto.

SECTION 7	Authorisation
Additional Conditions	
Signed: _____ On behalf of Street Authority	Date: _____

IMPORTANT

All communications relating to this licence should be addressed to : [*]

**APPLICATION FOR CONSENT TO CONDUCT WORKS ON EXISTING APPARATUS
SECTION 50, NEW ROADS AND STREET WORKS ACT 1991**

Cheque Received

Ref

Receipt Number

To : [*]


(NB – Those applicants not familiar with the requirements of this legislation are strongly advised to appoint a contractor with the appropriate knowledge to help complete this application and to conduct the works on their behalf.)

Non-compliance with any requirement of the New Roads and Street Works Act 1991 may result in severe financial penalties. All applicants are advised to seek appropriate professional advice in relation to this application and any works carried out.

SECTION 1	Owner of Apparatus		
Surname: _____		Forenames: _____	
Address: _____			
Postcode	☎ Work: _____	☎ Home: _____	

SECTION 2	Precise Location of Proposed Works (Tick boxes where necessary) (A detailed plan <u>must</u> be submitted with this form.)							
Property/Reference: _____				Road/Street: _____				
District/Parish/Ward: _____				City/Town/Village: _____				
Postcode: _____				National Grid Ref: _____				
Category of Works:	Emergency <input type="checkbox"/>		Minor with Excavation <input type="checkbox"/>	Minor without Excavation <input type="checkbox"/>	Standard Works <input type="checkbox"/>	Major Project <input type="checkbox"/>		
	Urgent <input type="checkbox"/>							
Type of Works:								
Estimated Length Of Works _____		Average depth of excavation:		Up to 1.5m <input type="checkbox"/>	Over 1.5m <input type="checkbox"/>	Works with No excavation <input type="checkbox"/>		
Proposed start date:				Estimated Duration:	Hours		Days	Months
Proposed finish date:								
Hours of Working:	Daylight <input type="checkbox"/>	24 hours <input type="checkbox"/>	Night time <input type="checkbox"/>	AM only <input type="checkbox"/>	PM only <input type="checkbox"/>			
Work lies within:	Verge <input type="checkbox"/>	Footway <input type="checkbox"/>	Carriageway <input type="checkbox"/>	All <input type="checkbox"/>				
Proposed flow control:	Stop/Go boards <input type="checkbox"/>	Temp traffic signals <input type="checkbox"/>	Road closure <input type="checkbox"/>	Priority flow <input type="checkbox"/>	Not to be used <input type="checkbox"/>			

SECTION 3	Details of person conducting the works
Name: _____	
Address: _____	
_____ ☎ _____	

SECTION 4	Insurance – Public Liability Insurance of a minimum £5m must be provided up to completion of the permanent reinstatement. (Proof <u>must</u> be submitted with this form.)	
Company Name: _____	Address: _____	
 _____	Policy No: _____	Expires (date): _____

SECTION 5	Declaration by Owner of Apparatus
<p>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 Road and Street Works Act 1991, and associated legislation and codes of practice, together with any other conditions imposed by the Street Authority in the relevant consent.</p> <p>I also acknowledge the statutory need for me to pay the prescribed inspection fees which will be imposed by the Street Authority, including any defect inspection fees and the cost of any necessary remedial works conducted by the Street Authority during the guarantee period.</p> <p>I also acknowledge that the consent is granted on the condition that I will indemnify the Street Authority against any claim in respect of injury, damage or loss arising out of :</p> <p>(a) The placing or presence in the street of apparatus to which the consent relates, or</p> <p>(b) The execution by any person of any works authorised by the consent.</p> <p>I also acknowledge that I have read and understand the Notes for Guidance contained in Part 1 (Form SWL1)</p> <p>Signed: _____ Date: _____</p>	

SECTION 6	Consent
<p>1. All highway openings (carriageway, footway or verge) are to be reinstated in compliance with New Roads and Street Works Act 1991 (HMSO publication <i>Specification for the Reinstatement of Openings in Highways</i> refers) other than by prior agreement with the Street Authority. Further advice and a detailed specification can be provided on request.</p> <p>2. Signing, guarding and traffic management provision is to comply with Chapter 8 of Traffic Signs Manual 1991, other than by prior agreement with the Street Authority. HMSO booklet <i>Safety at Street Works and Road Works – a code of practice</i> refers.</p> <p>Signed: _____ Date: _____</p> <p>On behalf of Street Authority</p>	

IMPORTANT
All communications relating to this Licence should be addressed to : [*]

**CONTRACTOR'S NOMINATED SITE SUPERVISOR & OPERATIVE
(NEW ROADS AND STREET WORKS ACT 1991)**

To accompany Street Works Licence application for placing apparatus in the Highway (form SWL2) or application for consent to work on existing apparatus (form SWL3).

(To be completed by the contractor)

Location of Proposed Works:

Road / Street _____

Town / Village _____

Property / Development _____

Nature of Works _____

ACCREDITED SUPERVISOR

Name _____

National Registration Number
& Date of birth _____

ACCREDITED OPERATIVE

Name _____

National Registration Number
& Date of birth _____

Signed _____

Block Capitals _____

Company _____

Date _____

Street Authority Reference SWL

**NEW ROADS AND STREETS WORKS ACT 1991
REGISTRATION OF WORKS**

TO [*]	Reference No										
	Originator's Cross Ref No.										
	ALL WORKS ON THIS NOTICE COMPLETE? Yes <input type="checkbox"/> No <input type="checkbox"/>										
FROM	Signed _____ Block Capitals _____										
	Date										
LOCATION											
Description or House Name or Number _____											
Street Name _____											
Local Area Name _____											
District _____											
Post Code			National Grid Reference								
DESCRIPTION OF WORKS											
REINSTATEMENT											
Item	CLOSING DIMENSIONS		LOCATION			GUARANTEE START DATE					
	Location	Length	Width	Carriageway, Footway, or Verge	? Depth	Interim			Permanent		
						day	mt h	yr	day	mt h	yr
1											
2											
3											
4											
5											

[*]

**ENGINEERING AND PLANNING DEPARTMENT/AGENT AUTHORITIES
NEW ROADS AND STREET WORKS ACT 1991 – SECTION 50
STREET WORKS LICENCE**

**DECLARATION FORM – STATUTORY UNDERTAKER'S REQUIREMENTS
REGISTRATION OF WORKS**

To comply with Section 69 of the Act where street works are likely to affect another person's apparatus in the street, applicants must take all reasonably 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 requirement made by him which is reasonably necessary for the protection of the apparatus or for securing access to it.

All Statutory Undertakers must therefore be contacted before the commencement of any work. Space is provided below for applicants to indicate their requirements (if any) and these conditions, complete with endorsements, should be presented with this application form.

Southern Electric		
Apparatus Affected	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Special Requirements _____		
Comments _____		

Wight Cable		
Apparatus Affected	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Special Requirements _____		
Comments _____		

British Gas (Southern)		
Apparatus Affected	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Special Requirements _____		
Comments _____		

Southern Water Services		
Apparatus Affected	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Special Requirements _____		
Comments _____		

British Telecom		
Apparatus Affected	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Special Requirements _____		
Comments _____		

Signed (Block Capitals)