

Application to apply for a Section 50 licence – Guidance Document

Section 50 of the New Roads and Street Works Act 1991 and Section 171 of the Highways Act 1980.

**Author:** Streetworks and permitting

**Contact:** Streetworks and permitting

**Version:** 1.0 (published)

**Last updated:** 09/04/2021

SECTION 50 OF THE NEW ROADS AND STREET WORKS ACT 1991 AND SECTION 171 OF THE HIGHWAYS ACT 1980. GRANTED TO OWNERS OF PROPERTY WISHING TO PLACE, MAINTAIN OR RETAIN APPARATUS AND APPLICANT’S WISHING TO MAKE AN EXCAVATION IN THE PUBLIC HIGHWAY.

**YOU MUST ALLOW A MINIMUM 10 WORKING DAYS FOR THIS APPLICATION TO BE PROCESSED.**

**The processing time commences upon receipt of a properly and fully completed Application Form with all supporting documentation. Failure to supply all the required information will result in the application being returned.**

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

SECTION 74 CHARGES OF THE NEW ROADS AND STREET WORKS ACT 1991 APPLIES IN LUTON.

PERMIT COMPLIANCE: THE PERMIT REFERENCE NUMBER ON YOUR GRANTED SECTION 50 LICENCE MUST BE DISPLAYED ON SITE AT ALL TIMES, IF THE PERMIT NUMBER IS NOT DISPLAYED OR THE INCORRECT NUMBER IS DISPLAYED YOU WILL BE ISSUED A FIXED PENALTY NOTICE.

NO WORKS ARE TO BE UNDERTAKEN ON 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, becomes an Undertaker for the purpose of the New Road and Street Works Act 1991, and therefore attracts the relevant duties and responsibilities imposed by the Act and 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 the application and conduct the works on their behalf, financial penalties may arise to the licence holder 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, 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.

The 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 licence holder will be the person responsible for every aspect of the licence including

1. Proof of Public Liability Insurance Minimum cover of £10 million
2. Charges - including administration and all inspection fees
3. Reinstatements as per the Code of Practice
4. Notice procedures as per the Code of Practice
5. Removal of waste as per the Waste Removal Regulations
6. 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 New Roads and Street Works Act and associated codes of practice are available from H.M.S.O.** [**UK legislation**](http://www.legislation.gov.uk/)

**WARNING** Section 74 overstay charges of the New Roads and Street Works Act 1991 are applied in Luton and if correct procedures are not maintained, and there is unreasonably prolonged occupation of the Highway, charges may occur.

A Fixed Penalty Notice (FPN) at a cost of £120.00 will apply if you are found to be in breach of the conditions of your granted license. These conditions will be agreed at the granting of your licence.

**Obtaining the Licence**

To obtain a Street Works Licence complete the application form and submit to the Address below:

**Streetworks@luton.gov.uk**

**IMPORTANT NOTICE**

**THE STREET WORKS REGULATIONS 2001**

**(CHARGES FOR UNREASONABLY PROLONGED OCCUPATION OF THE HIGHWAY)**

**Section 74 charges of the New Roads and Street works Act 1991 are implemented in Luton, which means charges for unreasonably prolonged occupation of the Highway will apply.**

If a Street Works licence holder does not give the proper notices of starting and ending 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 1**

**Charges in relation to works occupying the carriageway during period of overrun.**

|  |  |  |  |
| --- | --- | --- | --- |
| *(1) Item* | *(2) Description of street* | *(3) Amount (£)(each of first three days)* | *(4) Amount (£) (each subsequent day)* |
| 1. | Traffic-sensitive street or protected street not in road category 2, 3 or 4. | 5000  | 10000  |
| 2. | Other street not in road category 2, 3 or 4. | 2500 | 2500 |
| 3. | Traffic-sensitive street or protected street in road category 2. | 3000  | 8000  |
| 4. | Other street in road category 2. | 2000 | 2000 |
| 5. | Traffic-sensitive street or protected street in road category 3 or 4. | 750 | 750 |
| 6. | Other street in road category 3 or 4. | 250 | 250 |

**Table 2**

**Charges in relation to works outside the carriageway during period of overrun.**

|  |  |  |  |
| --- | --- | --- | --- |
| *(1) Item* | *(2) Description of Street* |  | *(3) Amount (£)**(each day)* |
| 1. | Street not in road category 2, 3 or 4. |  | 2500 |
| 2. | Street in road category 2. |  | 2000 |
| 3.  | Street in road category 3 or 4. |  | 250 |

**Charges per day of overrun beyond notified/agreed durations**

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

**Licensee Obligations:**

1. Safety, signing, lighting and guarding
2. Qualifications of operatives and supervisors
3. To keep disruption to a minimum
4. Notification of Utilities whose apparatus may be affected
5. Reinstatement of the highway
6. To supply a plan of the apparatus to the Authority for recording purposes
7. Accommodation of the needs of disabled people

**LICENCE CONDITIONS**

As owners of the apparatus and to his successors in title (all such persons hereinafter referred to as 'the Licensee') which expression shall include any other person, who is, for the time being entitled by virtue of this Licence to do anything permitted by it to be done, under Section 50 of the New Roads and Street Works Act, 1991, a Licence to place and leave in the highway, (hereinafter referred to as 'the highway') 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 highway 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 to the other provisions of this Section

Once the Licence is granted the Licensee becomes a Statutory Undertaker for the purposes of this part of the Act.

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

This licence is granted to the owner of the apparatus and his Successors in Title and where he proposes to part with his interest in the apparatus 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 whom the benefit of the licence is to be transferred.

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

Financial penalties (FPN’s) may arise to the Licensee for non-compliance with the relevant statutory duties or license conditions. Applicants should note that the liability cannot be delegated to any other person or organisation.

One copy (scale 1:1250 or greater) of a plan of the apparatus must be provided, with the apparatus marked in a red line.

Evidence must be provided that the licensee has obtained all necessary plant information for the site/s

**FEES**

The Licensee shall pay to the Street Authority the sum of £790.00 for registering the apparatus including

fee to reflect the legal and other expenses incurred by the Authority in connection with the grant of the Licence.

Any works necessary by the Highway 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 New Road and Street Works Act 1991.

In the event of the works being cancelled after the application form has been submitted an administration fee of £70:00 will be charged to the applicant to cover administrative costs.

Any variations/amendments to the issued licence will result in an additional £70.00 administration fee.

**EXCAVATION ONLY (SECTION 171 OF THE HIGHWAYS ACT 1980)**

The Licensee shall pay to the Street Authority the sum of £178.00 for inspection fees and administration fees incurred with the grant of the licence. Any works in excess of 20.00 square metres will be subject to additional fees of £50.00 per square metre, or part thereof.

**WORKS**

The work of installing the apparatus or excavating within the highway shall be executed in accordance with the following requirements:

It is the duty of the Licensee by whom street works are executed to reinstate the street in accordance to the Specification for the Reinstatement of Openings in the Highways Code of Practice New Roads and Street Works Act, 1991.

The signing, lighting and guarding are to be in accordance with the ‘Safety at Street works and Road Works Code of Practice’ and shall be subject to the same defect procedure as the excavation and reinstatement.

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

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

a) In the interest of safety

b) To minimise the inconvenience to persons using the street, having regard to people with a disability in particular.

c) On Traffic Sensitive Streets and Streets with Engineering Difficulty to protect the structure and integrity of the street.

The Licensee **MUST** permit the Local Authority to monitor his and his contractor’s performance throughout all stages of the works:

1. 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 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 and 3 years over 1.5m deep.

The Licensee 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:

[Dispose of business or commercial waste](https://www.gov.uk/managing-your-waste-an-overview)

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:

[Streetworks UK guidance documents](http://www.njug.org.uk/)

**INSURANCE**

The licensee will indemnify the Street Authority against any claim in respect of injury, damage or loss of arising, out of;

The placing or presence in the street of apparatus to which the licence relates, or

The execution by any person of any works authorised by the licence.

**Current public liability insurance is required for these works; minimum cover needed £10 million**

**LIST OF STATUTORY UNDERTAKERS:**

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

LIST OF STATUTORY UNDERTAKERS: to be contacted for plant information

| Statutory Undertaker | Department | Emails Address | Website | Telephone | Address |
| --- | --- | --- | --- | --- | --- |
| BT Openreach | National Notice Handling Centre | nnhc@openreach.co.uk | www.ournetwork.openreach.co.uk | 0800 783 2023 |  |
| UK Power Networks | Plan Provisions | plans@ukpowernetworks.co.uk | www.ukpowernetworks.co.uk | 0800 056 5866 | Plan Provision team, UK Power Networks, Fore Hamlet, Ipswich IP3 8AA |
| Virgin Media | Plant Enquiries | plant.enquiries.team@virginmedia.co.uk | www.virginmedia.co.uk | 0870 888 3116Option 2 | National Plant Enquiries, Units 12 Mayfair Business Park, Broad Lane, Bradford, BD4 8PW |
| Cadent Gas | Plant protection | plantprotection@cadentgas.com | www.cadentgas.com | 0800 688 588 | Plant Protection, Brick Kiln Street, Hinckley, Leicestershire, LE10 0NA  |
| Affinity Water | Developer Services | ds@affinitywater.co.uk | www.affinitywater.co.uk | 0345 357 2428 | Developer Services, Affinity Water Ltd, Tamblin Way, Hatfield, Hertfordshire, AL10 9EZ |
| Thames Water | Developer Services | Online form to complete | www.developers.thameswater.co.uk | 0800 009 3921 | Thames Water, Developer Services, Clearwater Court, Vastern Road, Reading, RG1 8DB |
| Fulcrum | Head Office | enquiries@fulcrum.co.uk | www.fulcrum.co.uk | 03330 146 466 | 2 Europa View, Sheffield Business Park , Sheffield, S9 1XH |
| GTC | Plant Enquiries | plantenquiries@gtc-uk.co.uk | www.gtc-uk.co.uk | 01359 243376 | Energy House, Woolpit Business Park, Bury St Edmunds, Suffolk, IP30 9UP |
| W S Atkins (outsource of Cable & Wireless and Energis) | Vodafone Plant Enquiries | osm.enquiries@atkinsglobal.com | www.atkinsglobal.com | 01454 662881 | c/o Atkins , The Hub , 500 Park Avenue , Aztec West, Almondsbury , Bristol, BS32 4RZ |
| CA Telecom UK Ltd (Agents for)Colt Fibre Optic Cable | Plant Enquiries | plantenquiries@catelecomuk.com | www.catelecomuk.com | 01227 768427 | C A Telecom UK Ltd, Dockers Field Farm, Pean Hill, Whitstable, Kent, CT5 3BJ |

**REINSTATEMENT**

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

The Licensee 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 reinstatement 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 within two years of any defect not being promptly rectified by the Licensee, The Licensee shall be responsible for any claims arising from the work or any necessary maintenance works and associated costs.

**CANCELLATTION OF LICENCE**

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.

The Street Authority may cancel this licence at any time:-

(1) 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

(2) 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.

(3) The Street Authority considers the withdrawal of the licence is necessary for the purpose of the exercise of their function as Street Authority.

Cancellation administration fee will be £70.00 for cancellation

**ACCREDITATION OF PERSONNEL**

Section 67 of the New Roads and Street works Act 1991, requires an accredited supervisor to be available at all times to supervise the works.

Section 67 of the New Roads and Street works Act 1991, requires an accredited operative to carry out the works, and be on site at all times, while the works are in progress.

**PERMITS**

All permits 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)

A works in progress notice must be sent by the end of the working day on which works has started.

A works stop notice must be sent by the end of the next working day after works have completed.

Luton Borough Council is part of The East of England Permit Scheme and therefore conditions applied to the licence will be in line with Street Works Permit Scheme Conditions & HAUC UK Guidance for Permit Scheme. https://www.gov.uk/government/publications/street-works-permit-schemes-conditions.

Fixed Penalty Notices are issued for failure to comply with the noticing requirements and breach of licence conditions.

**IMMEDIATE WORKS**:

These are works causing damage to property or placing persons in serious danger / health risk due to foul water entering their property, this application must still be filled in **retrospectively**

Fixed Penalty Notices are issued for failure to comply with the noticing requirements.

**REGISTRATION OF WORKS**

The Licensee 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 Section 50 Licence a detailed drawing to a scale of 1:1250 showing the location together with the depth of the apparatus.

**DUTY OF CARE**

A street works licence to place apparatus or consent to work on existing apparatus in the highway, will only be granted to the owner(s) of apparatus or Successor in Title. Owners should note their statutory duty to ensure that the apparatus is properly maintained at all times.

Applicants should note: -

Those special conditions may be imposed by the Council, and they are as follows:-

1) In the interest of Safety

2) To minimise inconvenience to persons using the street, having regard to people with a Disability in particular

3) For Traffic Sensitive Streets, Streets with Engineering Difficulties and protected Streets and to protect the structure of the street and integrity of the apparatus in it.

4) Proof of Street Works Accreditation (Copy of both sides of Supervisor & Operatives SWQR cards). An accredited supervisor must supervise the work, and at least one accredited operative must be on site at all times when the works are in progress. N.B this cannot be the same person.

If your work is going to obstruct a footway or part of a footway, you must provide a safe route for pedestrians that should include access to adjacent buildings, properties and public areas where necessary. This route must consider the needs of those with small children, pushchairs and those with reduced mobility, including visually impaired people and people using wheelchairs or mobility scooters.

The applicant must provide and maintain a **1.2m walkway for pedestrians**; this is a requirement under the Safety at Street Work and Road Works (A Code of Practice) this applies for the entire duration of this licence.

If provision of **1.2m** cannot be made for pedestrians a joint site inspection will be required and additional conditions applied.