

## Surrey County Council

### Terms and Conditions

#### Street Works Section 50 Licence

1. Works undertaken pursuant to the issue of a Street Works “section 50” Licence are classed by the New Roads and Street Works Act 1991 (NRSWA) as Street Works. The person granted the Street Works Licence, the Licensee, becomes an Undertaker for the purposes of NRSWA. The person(s) contracted to carry out the works is the Works Promoter

Those involved in Street Works are bound by the duties and responsibilities imposed by NRSWA, associated Secondary Legislation and Codes of Practice. Specific reference is made to section 65 and the associated publication Safety at Street works and Road Works.

2. Prosecution or financial penalties may arise for non-compliance with the relevant statutory duties imposed by NRSWA or Conditions attached to a Licence. Licensees should note that this liability cannot be delegated to any other person or organisation. The Highway Authority may choose to offer the payment of a Fixed Penalty Notice to enable any criminal liability to be discharged.
3. The Operative(s) and Supervisor executing the works must be qualified in accordance with section 67 New Roads and Street Works Act 1991 and be able to demonstrate they are on the Street Works Qualification Register.
4. Applicants should note that Special Conditions may be imposed on a Street Works Licence by the Highway Authority in the interest of:
  - a) Safety
  - b) Minimising the inconvenience to persons using the street, having regard to people with a disability in particular.
  - c) Protecting the integrity of apparatus, or the structure of streets.
  - d) Minimising congestion and disruption to users of the highway.

Special Conditions will be listed on the issued Licence and will reflect those used under the Traffic Management Act 2004 in relation to Permit Schemes. Detail can be found in the HAUC (England) document “Guidance for the Operation of Permit Schemes (inc. Permit Condition Text)”.

5. Failure to comply with a Special Condition may result in the Licence being revoked or the issue of a fine to the Licensee at levels equivalent to the current Department for Transport Fixed Penalty Notice amounts. (£120 reduced to £80 if settlement is received within 29 days of issue).
6. The Licensee must allow the Highway Authority unobstructed access to monitor the works throughout all stages of the works. Specific reference here is made to NRSWA Section 71 and the Specification for Reinstatement of Openings in the Highway and again to section 65 of NRSWA and the associated publication Safety at Street Works and Road Works.

To comply with the requirements of the New Roads and Street Works Act 1991, notification is required from the Licensee of the following works stages – Works Start, Works Clear/Closed and Registration. These notifications must be sent within the timescales set out in NRSWA (Code of Practice for the Co-ordination of Street Works and Works for Road Purposes and related Matters section 7.2) on the relevant forms to us via e-mail using the address [section50@surreycc.gov.uk](mailto:section50@surreycc.gov.uk)

Failure to comply (Notification failures) may result in the Authority pursuing prosecution, issuing a Fixed Penalty Notice (FPN) in order that criminal liability can be discharged or deducting the payment amount from the deposit value held against the works. (FPN's are payable at £120 reduced to £80 if settlement is received within 29 days of issue).

- 7.** Section 74 (Over run charges) of NRSWA will apply to works undertaken pursuant to a Street Works section 50 Licence. It is the responsibility of the Licensee to agree a revised duration with the Highway Authority (HA) before any overrun period starts should the duration of the works initially agreed be subsequently found to be insufficient. Overrun fees are applied at current Department for Transport rates.
- 8.** New Licences will not be issued for works where the undertaker/works promoter has failed to rectify defects identified by the HA against the relevant sections of NRSWA from any works previously undertaken.
- 9.** New Licences will not be issued for works where the Licensee has not submitted a fully completed Registration Form associated with previous works.
- 10.** New Licences will not be issued for works where the Licensee has outstanding charges in the form of either Fines, Fixed Penalty Notices or any overrun charges.
- 11.** Before works commence a monetary Deposit must be lodged with Surrey County Council. This Deposit will be retained for the duration of the works and the guarantee period and refunded in full should the works be completed in full accordance of the New Roads and Street Works Act 1991. (No Deposit value can be refunded unless a fully completed Registration Form has been received and any outstanding charges have been paid).
- 12.** Should any additional payments incurred during the works cycle remain outstanding at the end of the guarantee period, Surrey County Council reserve the right to reduce any Deposit value returned by these amounts.
- 13.** The Licensee shall not carry out any excavation or other works in the highway except in accordance with the agreed plan submitted with the Licence application. Any works undertaken not in accordance with the plan may be subject to prosecution under section 51 of the New Roads and Street Works Act 1991.
- 14.** The Licensee shall indemnify the Highway Authority in respect of any Third Party actions, claims, demands, expenses, or proceedings in respect of injury, damage or loss which may arise from his works on the highway for the duration of the works through to the end of the Guarantee Period. Such insurance shall afford indemnity of 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.

- 15.** If works have not commenced within **THREE MONTHS** from the date of the issue of the licence the licence shall be void and a further licence application will be required, unless the delay is at the behest of the Street Authority.
- 16.** A permanent reinstatement must be completed within **SIX MONTHS** of the completion date of any interim reinstatement. Guarantee periods will only start on completion of a permanent reinstatement.
- 17.** If the work is planned to be completed in phases this must be clearly identified on the Licence application. If it is not identified, a new Licence will be required for subsequent phases.
- 18.** One application can only contain one road name (USRN).
- 19.** It is a condition of the Licence that a twenty four hour seven day a week contact telephone number shall be supplied to the Highway Authority and that in the instance of an Immediate situation arising as defined by NRSWA, as a result of the Licenced works, a two hour call out response is provided via this contact number.
- 20.** The street works on site working day is defined as 08:00 to 18:00 Monday to Friday excluding Public and Bank holidays. Should it be intended to carry out works outside of these times it is the responsibility of the Licencee to contact the Local Environmental Health Authority for approval. (This must be identified by ticking the relevant identifier box during the application process).
- 21.** This document represents the Terms and Conditions as referred to on the SCC web site in relation to applying for a section 50 (Road Opening) Licence.