



# Surrey County Council

## Terms and Conditions

### Street Works Section 50 Licence

Under Section 50 of the New Roads and Street Works Act 1991 (NRSWA), with reference to SCHEDULE 3, the Street Authority may grant a Street Works licence. This allows a person without a statutory right, to place, retain and remove apparatus in the street, and to do work necessary for that purpose.

1. Works undertaken pursuant to the issue of a Street Works section 50 Licence are classed by NRSWA as Street Works. The person granted the Street Works Licence, the Licencee, becomes an Undertaker for the purposes of NRSWA. The person(s) contracted to carry out the works is the Works Promoter.
2. Licences will only be issued where the installed apparatus is subject to an agreement by the relevant statutory undertaker to adopt said apparatus following installation. Exceptions to this may be considered if it is a passive installation where the responsibility will be vested by title deed with a third party. (Examples of Passive installations being, non pressurised foul or surface water drainage and non fibre optic telecommunications cabling). Notwithstanding the Surrey County Council Street Works Longitudinal Apparatus Policy.
3. Unless adopted by the relevant statutory undertaker, the responsibility for apparatus installed pursuant to a Street Works section 50 Licence remains with the Licencee or successors in title of the property(s) benefiting from the apparatus installed. Apparatus owners should note that it is their Statutory Duty to ensure that this apparatus is properly maintained at all times.
4. 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.
5. Prosecution or financial penalties may arise for non-compliance with the relevant Statutory Duties imposed by NRSWA or Conditions attached to a Licence
6. Before a Licence will be issued a monetary **deposit must be lodged by the Works Promoter** 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 accordance of the New Roads and Street Works Act 1991. For excavations of up to and including 1.5 metres depth the



guarantee period is two years from completion of works. Excavations over 1.5 metres in depth have a guarantee period of 3 years. **No Deposit value can be refunded** unless a fully completed Registration Form has been received any outstanding non-compliance issues have been resolved and any outstanding charges have been paid.

7. The Licence fee payable on application covers administrative costs by Surrey County Council and is non refundable
8. The **Works Promoter** 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.
9. Applicants must 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)".

- 10 Failure to comply with a Special Condition may result in the Licence being revoked or the issue of a fine to the **Works Promoter** 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).
- 11 Street Works section 50 Licences are subject, where appropriate, to Lane Rental charges in accordance with the Surrey Lane Rental Scheme introduced on the 1st of April 2021. Lane Rental charges are calculated using Works Start/Stop notifications. (See section 13), and site inspections by ourselves
- 12 In accordance with NRSWA the Works Promoter 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.

- 13 In accordance with NRSWA, notification is required from the Licensee of the following works stages: -
- a. Works Start,
  - b. Works Clear/Closed
  - c. Registration.

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) to us via e-mail using the address **section50@surreycc.gov.uk**

Failure to comply (Notification failures) may result in the Authority pursuing prosecution, issuing a Fixed Penalty Notice (FPN) 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).

- 14 In accordance with NRSWA, Section 74 over run charges will apply to works undertaken pursuant to a Street Works section 50 Licence. It is the responsibility of the **Works Promoter** to agree a revised duration with the Highway Authority 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. Should these remain unpaid at the end of the guarantee period they will be deducted from the deposit value.

- 15 In accordance with NRSWA, 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.
- 16 In accordance with NRSWA, the Operative(s) and Supervisor executing the works must be qualified in accordance with section 67 of NRSWA and be able to demonstrate they are on the Street Works Qualification Register.
- 17 In accordance with NRSWA, one application can only contain one road name (USRN).
- 18 New Licences will not be issued to Works Promoters where
- i) works where the works promoter has failed to rectify non-compliance issues identified by the HA against the relevant sections of NRSWA from any works previously undertaken.
  - ii) works where the Works Promoter has not submitted a fully completed Registration Form associated with previous works.
  - iii) works where the Works Promoter has outstanding charges in the form of either Fines, Fixed Penalty Notices, or any overrun charges.



- iv) interim reinstatements remain over six months old.
- 19 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.
- 20 The Licencee/Works Promoter 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 NRSWA.
- 21 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.
- 22 **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.
- 23 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.
- 24 Applications will be held on file for a period of SIX MONTHS from the date of receipt. If after this period, the application has not been progressed it will be cancelled.
- 25 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.

This document represents the Terms and Conditions as referred to on the SCC web site in relation to applying for a Street Works section 50 (Road Opening) Licence and by applying for a Street Works section 50 Licence, you are agreeing to abide by these terms and Conditions.



## Information

An 'undertaker' – as defined in section 48 (4) of NRSWA – refers to:

- (a) a person with a statutory right to keep apparatus in the street and to carry out necessary works; or
- (b) a holder of a street works licence. A Works Promoter is any organisation carrying out works in the highway, regardless of whether they are working directly for, or on behalf of, a highway authority or an undertaker

“Street works” means works of any of the following kinds (other than works for road purposes) executed in a street in pursuance of a statutory right or a street works licence: -

Placing apparatus, inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it. Works required for or incidental to any such works such as, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street.

Qualifications of supervisors and operatives.

(1) It is the duty of an undertaker executing street works involving—

- (a) breaking up the street, or any sewer, drain or tunnel under it, or
- (b) tunnelling or boring under the street, to secure that, except in such cases as may be prescribed, the execution of the works is supervised by a person having a prescribed qualification as a supervisor.

to secure that there is on site at all times when any such works are in progress at least one person having a prescribed qualification as a trained operative.

Please use the following link to access the [Surrey Lane rental network map](#).