

1. The person granted a Street Works Licence, becomes an Undertaker for the purposes of the New Roads 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. (N.B. Those applicants not familiar with the requirements of this legislation are strongly advised to appoint a contractor with the appropriate knowledge and accreditation to help complete the application and conduct the works on their behalf).
2. Financial penalties may arise to 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 anyone acting under a statutory right) who wishes to place, retain and thereafter inspect, maintain, adjust, repair, alter or renew apparatus, 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. both under, over, across, along or upon it.
5. Form SWL2 must be completed by the applicant for authorisation to **place and retain** apparatus in the highway, and this must be submitted to the Street Authority with:
 - a) **3 copies of a scale plan at 1/1250** or greater of the proposed location and depth of the relevant apparatus marked by a red broken line.
 - b) **Proof of Public Liability Insurance.** This must provide a minimum of £5,000,000 cover and be maintained from commencement of the works on the highway, up to completion and acceptance by the Street Authority of the permanent reinstatement
 - c) Payment in Advance of:
 - i) **£230.30 Administration Fee** (non returnable)
 - ii) **£238.80 Capitalised fee** in lieu of annual charge
(**£477.50 for classified roads**)
 - iii) **£117.80 Inspection Fee** for each 200m length or part thereof.

- c) Completed Declaration Form (Statutory Undertakers Declaration/Requirements)
6. Form SWL3 must be completed by the applicant for consent to work on **existing apparatus** in the highway, and this must be submitted to the Street Authority **with**:
- a) **Proof of Public Liability Insurance.** This must indemnify the Street Authority against any claim in respect of injury, damage or loss arising from the works and provide a minimum £5,000,000 cover, and be maintained from commencement of the works on the highways, up to completion and acceptance by the Street Authority of the permanent reinstatement.
 - b) **£230.30 Administration Fee** (non returnable) in advance
 - c) **£117.80 Inspection Fee** in advance for each 200m length
 - d) Complete Declaration Form SWL6 in advance (Statutory Undertakers Declaration/Requirements)

Ongoing indemnity must be provided for the Street Authority by the Licensee against any claim in respect of injury, damage or loss arising out of:
the presence in the street of apparatus to which the licence relates,
or the execution by any person of any works authorised by the licence

7. 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 his Successor in Title. Owners should note their Statutory duty to secure 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 **ONE MONTH** in advance of commencement of the proposed works. A shorter period may be agreed by the Street Authority in conjunction with the other Undertakers likely to be affected. The application form must be signed by the owner of the existing or proposed apparatus.
9. Applicants should note that:-Special conditions may be imposed by the Street Authority
- 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) For Traffic Sensitive Streets, Streets with Special Engineering Difficulties and Protected Streets and to protect the structure of the street and the integrity of the apparatus in it. NB: The applicant must strictly adhere to these conditions.
10. The duty of Care: Controlled Waste Transfer Note must be completed where any waste from the excavation has to be disposed of. A copy of the completed form must be retained by the Licence Holder with a copy given to the person accepting the waste.

11. The Licensee must give **SEVEN DAYS** advance notice of the intended starting date to the Street Authority.

12. The Licensee must permit the Street Authority to monitor his or his contractors performance throughout all stages of street works.

These are:-

a) Signing, guarding and, excavation,

b) Signing guarding and reinstatement,

c) Immediately after permanent reinstatement,

d) Between 6 and 9 months after permanent reinstatement and,

e) 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 permanent reinstatement and will be for 2 years for excavations up to 1 .5m deep and 3 years for deeper).

THE EXECUTION OF THE WORKS MUST BE SUPERVISED BY A PERSON WHO IS QUALIFIED AND ACCREDITED IN ACCORDANCE WITH SECTION 67 OF THE NEW ROADS AND STREET WORKS ACT 1991. IN ADDITION AN ACCREDITED OPERATIVE MUST BE ON SITE AT ALL TIMES WHEN WORK IS IN PROGRESS.

13. 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. In an interim reinstatement is carried out this must be made permanent within 6 months.

14. The Licensee must complete and submit Form SWL5 to the Street Authority within 7 days of completion of the works and clearing the site.

15. Where defective reinstatements are identified during the guarantee period a defect inspection procedure will be initiated. The licence holder will be liable for further Inspection fees of **£142.50 (or £210.50 if defect was reported by public or police)** on each occasion a defect is identified. The licence holder will also be required to remedy the defect within the time scale laid down under the legislation. Further fees will be payable if this requirement is not fulfilled.

WHERE DEFECTS CAUSING DANGER ARE IDENTIFIED THE LICENCE HOLDER WILL BE NOTIFIED IMMEDIATELY. THE LICENCE HOLDER MUST TAKE URGENT ACTION TO MAKE SAFE THE DEFECT.

The licence holder when notified of a defect causing danger must also contact the Street Authorities representative who identified the defect within 2 hours of the initial notification stating what action has been taken.

The Street Authority may take reasonable action to make safe the defect if:

- a) There is no one on site and the identity of the work cannot be identified.
- b) The licence holder cannot be contacted or cannot make the defect safe within 2 hours.
- c) The licence holder fails to respond to the dangerous defect.
- d) No telephone call is received from the licence holder within the 2 hours of the initial notification.

If the Street Authority takes action they may charge their reasonable cost to the licence holder.

16. 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:

- a) The refusal of the Authority to grant him a licence.
- b) Their refusal to grant a licence except on terms prohibiting its assignment or
- c) Any terms or conditions of the licence granted to him, may appeal to the Secretary of State.

17. When submitting Form SWL5, the Licensee must provide drawing to Scale 1/1250 showing the actual depth of the apparatus, and its location measured against fixed objects/structures.

18. Prior to issue of the licence must be circulated to all Statutory Undertakers to identify whether their apparatus will be affected by the proposed works. This circulation will be undertaken by the applicant.

19. Wigan Council as Street Authority may levy charges to the Licence holder for the prolonged occupation of the Highway. The applicant is strongly advised to familiarise themselves with the requirements of Section 74 of the New Roads and Street Works Act 1991.

The Licensee must provide a proposed start and planned finish date when submitting form SWL2 or SWL3. The Street Authority may challenge any estimated duration given by the licensee in writing giving its own estimated duration. When the period is agreed between the Street Authority and the Licensee this becomes the "Reasonable Period".

If the works take longer than the "Reasonable Period" the Street Authority may levy the charges set out below:

	Reinstatement Category			
	0 or 1	2	3 & 4 (TS)*	3 & 4
Major and Standard Works	£2,500	£2,000	£750	£250
Minor and Immediate works	£500	£500	£250	£100

* (TS) = Traffic Sensitive

At any time before the completion of the Reasonable Period the Licensee may in writing provide the Street Authority with an amended duration stating the reasons for the amendment. If the Street Authority agrees to the request this becomes the "Reasonable Period" and effectively overwrites the earlier one.

The Licensee must inform the Street Authority of the completion of the works no later than the end of the next working day following the day on which the works were completed. Works have not finished until all spoil, unused imported material, stores, signing, lighting and guarding is removed.