

New Roads & Street Works Act 1991

Notes and guidance for persons, developers & contractors wishing to occupy the Highway

There are some quite complex requirements placed on Contractors/Persons requiring opening the public Highway in connection with their works. These Requirements are in place by virtue of the New Roads and Street Works Act 1991, and this guidance note is intended to help you in fulfilling your duties under the Act.

This guidance note assumes that you have obtained any relevant planning permission or permission to connect into a public sewer or any other permission as may be appropriate for your work and that you have obtained service drawings and notified all Statutory Undertakers of your work as this note only deals with the duties placed upon you as a result of the above Act.

On application for a Licence/Road opening permit you will be requested to provide a copy of your public liability insurance certificate to satisfy the council that you are operating legally. It is now the local Authority's responsibility to Co-ordinate and over sees all works involving the breaking up of the highway.

To enable the Street Authority to effectively fulfil this role Section 54 of the Act requires that you serve a prescribed notice on the Street Authority. The period of notice required is generally 10 working days unless works are to be undertaken on a traffic sensitive location or adjacent to an engineering difficulty in which case the notice period required becomes 1 month. The officer issuing the licence will advise you on this issue.

It is further your duty to inform the Street Authority on the day on which it is actually intended for works to be carried out, this is to avoid the possibility of an abortive inspection, the cost of which would be passed on to yourselves.

The final notice you are required to serve is a completion notice within 10 days of completing your works. This notice (SWL1R1) should contain your closing dimensions and state whether the reinstatement is temporary or permanent. It may be worth noting that irrespective of whether the reinstatement is temporary or permanent the tolerances of workmanship are identical and the default regime will be implemented resulting in a financial penalty on the licence holder should the standards fall outside those tolerances.

The default regime can be implemented at any time within the guarantee period, which covers your work, that being:

- 2 years for work involving excavation up to 1.5 metres deep and
- 3 years for works involving excavations over 1.5 metres deep.

Under Section 75 and schedule 3 of the Act the Street Authority are entitled to charge for the cost associated with the licence that must be paid by the applicant before the licence is actually given.

The SWL1 form must be completed by the owner of the apparatus or in the case of an opening notice, the person undertaking the works and should be submitted to the Street Authority along with the following:

- a) A scale plan of the proposed location showing type and depth of apparatus and marked by a red broken line.

- b) Proof of the Contractors Public Liability Insurance valid and to a minimum value of 3 million pounds cover.
- c) Statutory Undertakers drawings showing apparatus likely to be affected.
- d) A valid copy of Street Works Accreditation for both Supervisor and Operative.
- e) Copy of design drawings submitted with the planning application, if applicable.
- f) A method statement of backfill and reinstatement materials to be used.

If parking restrictions apply, you will need to contact parking services on 01204 336352, for a dispensation, otherwise penalty charge notices may be issued. There will be a charge for this service. Signs MUST NOT be removed or obscured.

Current fees for these licences can be found on our website

www.bolton.gov.uk/street-licences Charges & Fees Document – Section A

Applications must be signed by the owner of the apparatus and submitted in accordance with the appropriate time scale to allow the Street Authority to fulfil its duties. Licences, which have not been properly completed, will be refused.

Application to Bolton Council in exercise of their powers under Section 50 and Schedule 3 of the New Roads and Street works Act 1991, Section 171 of the Highways Act 1980 & Section 65 of the Road Traffic Regulations Act 1985 to grant a Street Works licence.

Applicants not familiar with the requirements of this legislation are strongly advised to appoint a contractor with appropriate knowledge to help complete this application and conduct the works on their behalf. Non-compliance with any requirements of the Act may result in severe financial penalties.

Section 1 – Owner of Licence

Company		Contact Name	
Address			
Postcode		Email	
Tel. Head Office		Tel. Site Office	

Section 2 – Location of Proposed Works

Property Reference		Road/Street	
District/Town		Postcode	
National Grid Co-ordinates			
Start Date		End Date	
A period of		days	

Specify in detail, the nature of the works

Type and size of apparatus			
Work within:	Footway <input type="checkbox"/>	Carriageway <input type="checkbox"/>	Verge <input type="checkbox"/>
Location shown on plan ref: Apparatus marked in red showing estimated depth			

Category of works

Immediate (emergency/urgent) <input type="checkbox"/>	Minor 1-3 days <input type="checkbox"/>	Standard 4-10 days <input type="checkbox"/>	Major Over 11 days <input type="checkbox"/>
Daylight working <input type="checkbox"/>	Nighttime working <input type="checkbox"/>	24 hour working <input type="checkbox"/>	Off-peak hours working <input type="checkbox"/>

Depth of excavation			
Up to 1.5m	<input type="checkbox"/>	Over 1.5m	<input type="checkbox"/>

Traffic control			
STOP/GO boards	<input type="checkbox"/>	2 way temporary traffic signals	<input type="checkbox"/>
		Multi-way temp traffic signals	<input type="checkbox"/>
Road closure	<input type="checkbox"/>	Requires a footway closure	<input type="checkbox"/>
			<input type="checkbox"/>

Parking restrictions			
Are there any parking restrictions in force within the perimeters of the planned works?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
Are there any Pay & Display parking bays within the perimeters of the planned works?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
If yes to either of the above questions then you must contact Parking Services on 01204 336352 or email parkingservices@bolton.gov.uk to obtain parking dispensation before the Licence is granted.			

Section 3 – Details of persons/contractor carrying out the works			
Company		Contact Name	
Address			
Postcode		Email	
Tel. Daytime		Tel. Out of Hours	

Section 4 - Insurance			
Insurance company			
Policy number		Expiry date	
Public liability insurance minimum £3 million cover shown?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>

This licence is granted for the purpose of enabling persons here named to place and/or retain apparatus in the street and to execute the works described. No other interference with the streets or surface materials will on any account be allowed for any other purpose without further permission.

The licence is granted subject to the following conditions and any other conditions, which may be imposed by the council in exercise of its statutory powers and duties.

In consideration of the permission so given to me, I hereby undertake, promise and agree to comply with and adhere to and be bounded by the following conditions in every aspect:

1. Prior to commencing any excavation work, the licensee must obtain copies of plans showing the location of all-underground and overhead plant and equipment. Such plans must be kept on site during the excavation works and shall be available for inspection by any authorised person at all times.
2. The licensee shall permit any authorised officer of the Authority to inspect the works at any time and shall comply with any instructions given by the authorised officer who relates to the safety of traffic and safeguarding of the highway.
3. The licensee shall ensure that throughout the duration of the works that barriers and traffic signs for preventing danger to traffic, for regulating traffic and for warning traffic of danger as may be necessary are erected and removed as soon as they are no longer needed and shall ensure that works are properly guarded and lighted and lighted during the hours of darkness.
4. The licensee shall ensure that within 10 days of the completion of the works, copies of plans and sections of the completed works, including the position and depth of any ducts, pipes and cables are submitted for record purposes to Street Works, Highways & Engineering, 3rd Floor Paderborn House, Bolton BL1 1UA.
5. The licensee shall not remove from the site any surplus materials, which the authority deems to have any value without the express permission of the authorised officer. Any materials, which the authorised officer considers shall remain in the ownership of the Authority, shall be transferred at the expense of the licensee to the Authority's specified state.
6. The licensee shall carry out all excavations and reinstatement in accordance with the Specification for the Reinstatement of Openings in Highways and shall permit the authorised officer to carry out any tests and to remove materials for subsequent testing at no expense to the authority. The Licensee shall agree to undo and redo again any works, which are not in accordance with Specification or Bolton Council agreement.
7. The Licensee is not permitted to use 6F2, 6F3, 6F4, 6F5 materials or any 6F material for use as backfill material in any part of the reinstatement of a Bolton Council highway, without the specific agreement/conditions of Bolton Council.
8. The licensee shall agree to pay to the Authority, all costs and charges incurred in carrying out the permanent reinstatement of the carriageway, together with any costs the Authority incurs as a result of having to undo and do again works which are not in compliance with the New Roads and Street Works Specification.
9. The Licensee or former Licensee shall indemnify the council from or against all claims, costs and expenses and all compensation for injury, loss or damage to persons or properties caused by the undertaking, lighting, signing, guarding, reinstating or maintaining the works whether or not such injury, loss or damage is caused by carelessness or negligence on the part of the Licensee or former licensee or by any person for whom they are responsible.
10. The Licensee shall inform the authority by notice at least 6 weeks before he proposes to cease using or abandoning any apparatus or part with his interest in the apparatus. A Licensee who is an owner of land or his successor in title propose to part with his interest in land then he shall before doing so give to the authority notice in writing stating to whom the benefit of the Licence is to be transferred. A Licensee who fails to comply with this condition commits an offence under the Act and is liable on summary conviction to a fine not exceeding level 3 on the Standard Scale.
11. Where a Street Works licence expires or is withdrawn or surrendered then the Authority may remove or alter any apparatus as it thinks fit and reinstate the street and recover from the former Licensee the cost of doing so or the Authority may require the former licensee within such reasonable time as it is specified by the authority to remove or alter such apparatus and reinstate the street at a former licensee's own expense. However, the former licensee in such a case shall give not less than 10 working days notice to any person whose apparatus may be affected and shall comply with their requirements as to the supervision and method of the works.
12. The licensee should ensure that all work is completed in the agreed duration period. Failure to complete the works on time could result in the licensee incurring Section 74 charges. Charges vary according to the type of work and the road category.
13. Failure to complete and return the SWL1R1 form at the back of this licence to the above address, within ten days of completion of reinstatement, will result in the licence holder being issued with a

Fixed Penalty Notice of £120 discounted to £80, if paid within 29 days, as in compliance with the Traffic Management Act 2004

14. Section 66 of the Act requires undertakers to complete their works with all such dispatch as is reasonably practicable. Where Bolton Council believes that an undertaker is causing an obstruction by occupying more of the street or by taking longer to complete the works than is reasonable, we may issue a notice, either to reduce the obstruction or to remove it altogether. If such a notice is issued, the undertaker must comply within 24 hours or any longer period specified in the notice.
15. The licensee has a responsibility to make sure that all street and road works and operatives are safe and comply with the Code of Practice: Safety at Street Works and Road Works.
16. The licensee must also pay particular attention to the needs of disabled people (physical and visual impairment), children, elderly people and people with prams during the course of the works.

Additional Conditions / Withdrawal of Licence

The Authority may by notice in writing withdraw this licence:

- a) If the licensee fails to comply with any of the above mentioned conditions or any provisions set out in Schedule 3 of the New Roads and Street works Act 1991, or
- b) If the Authority becomes aware that the licensee intends to or had ceased to use or abandoned any apparatus or intends or has parted with his interest in the apparatus and such assignment has been prohibited or
- c) If it is considered by the authority that such withdrawal is necessary for the exercise of its functions as a street authority

The Authority shall give not less than 7 working days notice from the date of service of the notice but in the case of (c) above it shall not be less than 3 months.

Appeal by Licensee

Where apparatus is to be placed or retained on a line crossing the street and not along the line of the street than a person aggrieved by:

- a) The refusal of a grant of a licence
- b) On terms prohibiting its assignment or
- c) Any terms or conditions of the licence

Then he/she may appeal to the Secretary of State and if the Secretary of State reverses or varies the decision of this authority than the authority will give effect to this decision.

Declaration by Licensee

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 Roads and Street Works Act 1991, and associated legislation and codes of practice together with any other conditions imposed by the Street Authority on the relevant licence.

I acknowledge the statutory need for me to pay the prescribed inspection fees, which will be imposed by the Street authority during the guarantee period.

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:

- a) the placing or presence in the street of apparatus to which the licence relates, or
- b) the execution by any person of any works authorised by the licence.

I also acknowledge that I have read the notes for guidance for persons, Developer/Contractors wishing to open the highway, which is contained in this Licence.

Signed

Date

Failure to complete and return this form, within ten days of completion of reinstatement, will result in the licence holder being issued with a Fixed Penalty Notice of £120, discounted to £80 if paid within 29 days, as in compliance with the Traffic Management Act 2004

SWL1R1
New Roads and Street Works Act 1991
Registration of Works



<p>To:</p> <p>Street Works Highways & Engineering 3rd Floor, Paderborn House Bolton, BL1 1UA</p> <p>01204 336440 streetworks@bolton.gov.uk</p>	<p>From:</p>
---	---------------------

Location:

Description
 or House name or Number

Street name

Local area name

Town

Postcode O/S Grid Ref

Description of works:

Reinstatement:

Closing Dimensions				Works Complete Date								
Item	Location	Length (m)	Width (m)	Carriage-way, Footway or Verge	Deep Excav. over 1.5m	Interim Date Month Year			Permanent Date Month Year			
1												
2												
3												
4												
5												
6												

If the reinstatement is in more than one part of the highway, please give the dimension for each part.