

## **New Roads & Street Works Act 1991**

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

There are complex requirements placed on Contractors/Persons requiring to occupy the public highway in connection with their works. These Requirements are in place by virtue of the New Roads and Street Works Act 1991. This guidance is intended to help you in fulfilling your duties under the 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 oversee 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 (see form SWL2(T)) 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.

It is your duty to inform the Street Authority within 2 hours, on the day on which it is 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.

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

The SWL2(T) form must be completed by the owner of the apparatus, or in the case of an opening notice, the person undertaking the works. It should be submitted to the Street Authority along with the following required information:

- a) A copy of a Traffic Management Plan
- b) Proof of the Contractors Public Liability Insurance. Valid and to a minimum value of 3 million pounds cover.
- c) A valid copy of Street Works Accreditation, for both Supervisor and Operative.
- d) Copy of design drawings. Submitted with the planning application, if applicable.
- e) 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. You should note that signs **MUST NOT** be removed or obscured.

Current fees for these licences can be found on our website

**[www.bolton.gov.uk/street-licences](http://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.

# SWL2(T)

## New Roads and Street Works Act 1991 Section 50 Street Works Licence Application (Type 4 - for Traffic Management only)



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

Work within:	Footway <input type="checkbox"/>	Carriageway <input type="checkbox"/>	Verge <input type="checkbox"/>
Location shown on plan ref:			

### 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"/>

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

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 <a href="mailto:parkingservices@bolton.gov.uk">parkingservices@bolton.gov.uk</a> 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. 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.
2. 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 during the hours of darkness.

3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. The licensee must also pay particular attention to the needs of blind and disabled people, 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 if it is considered by the authority that such withdrawal is necessary for the exercise of its functions as a street authority.

### **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 also 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 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**