

**CYNOR SIR PENFRO
PEMBROKESHIRE COUNTY COUNCIL**

NEW ROADS AND STREET WORKS ACT 1991

STREET WORKS LICENCE FEES EFFECTIVE FROM 1st SEPTEMBER 1999

Scale of fees in respect of applications for a Street Works Licence to place, retain and maintain apparatus in the street in accordance with Section 50 and Schedule 3 of the New Roads And Street Works Act 1991.

To place NEW apparatus in a street:

- | | | |
|----|--------------------------------|-------------------------------|
| a) | To serve up to two buildings. | £478.00 |
| b) | To serve two or more buildings | £51.50
Per additional bldg |

To Repair/Renew/Maintain EXISTING apparatus in a street:

- | | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| c) | Where a Street Works Licence has not been granted under Sections 181 to 183 of the Highways Act 1980, the Public Utilities and Street Works Act 1950 and/or other licensing procedure in respect of apparatus in the street. | £358.50 |
| d) | In respect of repair or replacement of existing apparatus where there is an Existing Street Works Licence. | £265.00 |
| e) | Installation of above ground apparatus i.e. notice boards, signs | £156.00 |

a-f) above applies to the first 200 metres of excavation in the highway. Where the excavation is in excess of 200 metres, then a further **£218.00** will be charges for each 200 metres or part.

Definitions

'Street Works' means works of any of the following kinds executed in a street in pursuant of a statutory right or a Street Works Licence -

- a) placing apparatus, or
- b) inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it,

or works required for or incidental to any such works (including, in particular, braking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street).

'Apparatus' means any structure for the lodging therein of apparatus or for gaining access to apparatus. This applies to pipes, ducts, cables, chambers, covers and frames and other apparatus as well as overhead lines and cables and other apparatus on or above ground including interconnecting cabinets, etc. The description for an apparatus given above is not intended to be exhaustive or prescriptive.

THE NEW ROADS AND STREET WORKS ACT 1991

GUIDANCE NOTES FOR LICENSEES/APPLICANTS

From 1st January 1993 all Licences granted for street works to a person(s) is/are granted under, and will be subject to the requirements of the New Roads & Street Works Act 1991.

- Section 69 & Sch.3 Before granting a licence the Street Authority (means highway authority in the case of the maintainable highway, or if the street is not a maintainable highway, the street managers) Pembrokeshire County Council, must give Undertakers and others likely to be affected by the works at least 10 days notice.
- Section 48 For street works purposes, Licensees are now deemed "undertakers", and as such they must comply with all the regulations and codes of practice contained within the new legislation.
- Section 65 Licensees will need to sign, guard and light works in accordance with the Code of Practice for Safety at Street Works & Road Works. Failure to comply is a criminal offence.
- Section 67 Licensees also have a duty to meet the qualification requirements for supervisors and operatives.
From August 1994 all works where excavation takes place must be supervised by an accredited person. Failure to comply is a criminal offence.
- Sections 70, 71 Licensees must comply with the Highway Authority Utilities Committee Specification for the Reinstatement of Openings, and guarantee periods for all reinstatements must be met.
- Section 75 The Street Authority (Pembrokeshire County Council), will inspect individual works in accordance with the HAUC Code of Practice for Inspections.
- Section 72 If any works are found to be defective the Street Authority will invoke the appropriate defect procedure and recharge the licensee the Street Authority's costs in rectifying the defects in accordance with the procedures laid down in the Code of Practice for Inspections and Specification for the Reinstatement of Opening in Highways.

The cost of any recharge will include three defect inspections at £40 per inspection, plus the costs of any investigatory works the Street Authority may have undertaken.
- Sections 79 & 66 Licensees have a duty to produce records for the apparatus they install, have an obligation to other undertakers apparatus which may be affected by the works, and must avoid unnecessary delays and obstructions during the works.
- Sch. 3(5)(6)(7) Licensees must inform the Street Authority of any change of ownership, or surrender of licence in accordance with the prescribed timescales.
- Section 58 The licensee must comply with any direction given by the Street Authority as to the timing of works, or any restriction on works.
- Schedule 3(8) Licensees must show proof of their Public Liability Insurance at the time of their application for a licence.

For further information contact:

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NEW ROADS AND STREET WORKS ACT 1991

TERMS AND DEFINITIONS

Section 48 of the Act states that:

A '**Street**' means the whole or any part of any of the following, irrespective of whether it is a thoroughfare:

- a) any highway, road, lane, footway, alley or passage,
- b) any square or court, and
- c) any land laid out as a way whether it is for the time being formed as a way or not.

Where a street passes over a bridge or through a tunnel, references in this part to the street include that bridge or tunnel.

A street which is not a maintainable highway subject certain exceptions.

'**Street Works**' means works of any of the following kinds executed in a street in pursuant of a statutory right or a Street Works Licence:

- a) placing apparatus, or
- b) inspecting, maintaining, adjusting, repairing altering or renewing apparatus, changing the position of apparatus or removing it,

or works required for or incidental to any works including, in particular, breaking up or opening a street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street.

"**Undertaker**" in relation to street works means the person by whom the relevant statutory right is exercisable by him, or the licensee under the relevant Street Works Licence, as the case may be.

Section 50 of the Act states that:

The Street Authority may grant a licence (a "Street Works Licence") permitting a person -

- a) to place, or to retain apparatus in the street, and
- b) thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.

And to execute for those purposes any works required for or incidental to such works (including, in particular, braking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street).

A Street Works Licence does not dispense the licensee from obtaining any other consent, licence or permission which may be required.

Schedule 3 of the Act sets out the provisions, attachment of conditions and other matters in relation to the grant of a licence.

Section 105 of the Act states that:

"apparatus" includes any structure for the lodging therein of apparatus or for gaining access to apparatus.

"in" in the context referring to works, apparatus or other property in a street or other place includes a reference reference to works, apparatus or other property under, across, along or upon it.

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STREET WORKS LICENCE

The Licensee, whether small builder or large developer, must be aware of his obligations under the Act in relation, for instance, to:

- Safety, signing, lighting and guarding
- Qualifications of Operatives and Supervisors
- Delays and obstructions
- Other undertakers' apparatus which might be affected
- Reinstatement
- Records of apparatus, and
- The needs of disabled people

The licensee should also be aware of the restrictions that apply in relation to streets subject to special controls and relevant Section 58 notices, and that the street authority may direct times of working.

Reinstatement specifications and guarantee periods will be exactly the same as for any other undertaker of street works.

All apparatus should be laid whenever possible in conformity with NJUG publication No. 7 (obtained from the National Joint Utilities Group, 30 Millbank, London, SW1P 4RD).

NEW ROADS AND STREET WORKS ACT 1991

OFFENCES

The New Roads and Street Works Act 1991 creates a number of offences in connection with the execution of street works by undertakers and licensees.

1. Unauthorised street works (Section 51(1))
2. Failure to give advance notice of works (Section 54(5))
3. Failure to give notice of starting date (Section 55(5))
4. Contravention of direction as to timing (Section 56(3))
5. Failure to give notice of emergency works (Section 57(4))
6. Contravention of restriction on works (Section 58(5))
7. Failure to comply with duty to co-operate (Section 60(3))
8. (Failure to comply) (interference) with safety measures (Section 65(4)(6))
9. Unnecessary delay or obstruction (Section 66(2)(4))
10. Failure to ensure (supervision by) (presence of) qualified person (Section 67(3))
11. Failure to afford facilities to street authority (Section 68(2))
12. Failure to give facilities to other persons (Section 69(2))
13. Failure to comply with duty to reinstate, etc. (Section 70(5))
14. Failure to comply with duties as to specifications, etc. (Section 71(5))
15. Failure to comply with duties as to records of location of apparatus (Section 79(4))
16. Failure to comply with requirements as to displaying of lights (Section 92(2))

NEW ROADS AND STREET WORKS ACT 1991

LIST OF PUBLICATIONS

Highways Act 1980.

The New Roads and Street Works Act 1991 (HMSO)

The NRASWA 1991 (Commencement No. 1) Order 1991 1991 No 2288 (C.70)

" " " (Commencement No. 3) Order 1992 1992 No. 1686 (C.57)

" " " (Commencement No. 5 and Transitional Provisions and Savings) Order
1992 1992 No. 2984 (C.88)

The Street Works (Notices) Order 1992. 1992 No. 3053

The Street Works Regulations 1992 - Qualifications of Supervisors and Operatives.
1992 No. 1687

" " " " - Inspection fees. 1992 No. 1688

" " " " - Reinstatements. 1992 No. 1689

" " " " - Duty to maintain apparatus. 1992 No. 1691

" " " " - Sharing of Costs of Works. 1992 No. 1690

" " " " - Registers, Notices, Directions and Designations.
1992 No. 2985

Code of Practice for the Reinstatement of Openings in Highways.

Code of Practice for Inspections.

Code of Practice for the Co-ordination of Street Works.

Code of Practice for Safety at Street Works and Road Works and Chapter 8.

Code of Practice for Measures Necessary Where Apparatus Is Affected By Major Works (Diversionary Works).

NEW ROADS AND STREET WORKS ACT 1991

STREET WORKS QUALIFICATIONS

The legal requirements

The New Roads and Street Works Act 1991 places duty on undertakers to ensure that work involving the installation, renewal, maintenance and inspection of underground apparatus in any street or road is under the control of competent persons. To satisfy the requirements of the Act, undertakers must arrange for work involving breaking up the street to be under the supervision of a person having a prescribed qualification as a 'supervisor'. In addition, whether or not the street is broken up, they must ensure that a person having a prescribed qualification as a 'trained operative' is present on the site at all times when the work is in progress.

Detailed provisions covering the qualification system are contained in the Street Works (Qualifications of Supervisors and Operatives) Regulations 1992, which came into force on 5th August 1992. The regulations require undertakers to comply with the duty to provide qualified supervisors within two years from the above date and, in the case of trained operatives, within five years.

What is meant by an 'undertaker'?

An undertaker is a person or organisation doing work under either:

- i) a statutory right (such as the Utility organisation - cable television, electricity, gas, sewerage, water, telecommunications etc.) or
- ii) a licence or permission granted by the street or road works authority (such as persons and organisations laying sewers, drains, water supply connections and other apparatus for their own private purposes).

Undertakers may make arrangements for the qualified persons to be provided by contractors or agents working on their behalf, but the responsibility for ensuring that the requirements of the Act are met rests with the undertakers.

What is a prescribed qualification?

The Street Works (Qualifications of Supervisors and Operatives) Regulations 1992 define the prescribed qualifications for various types and combinations of work:

Qualifications for 'supervisors'

1. Monitoring excavation in the highway
2. Monitoring excavation, backfilling and reinstatement of construction layers with bituminous materials
3. Monitoring reinstatement of construction layers in bituminous materials
4. Monitoring reinstatement of concrete slabs
5. Monitoring reinstatement of modular suffices and concrete footways

Qualifications for 'trained operatives'

1. Excavation in the highway
2. Excavation, backfilling and reinstatement of construction layers with a cold-lay bituminous surface.
3. Reinstatement of construction layers in hot-lay and cold-lay bituminous materials
4. Reinstatement of concrete slabs
5. Reinstatement of modular surfaces and concrete footways

A person may only act as a supervisor or trained operative for the type of work for which the person has the relevant qualification. It may, therefore, be necessary for a number of persons having different qualifications to be involved during the progress of the work through its various stages. There is, however, no limit to the number of qualifications that may be held by one person.

What is the position regarding work that does not involve breaking up the street or road?

A qualified supervisor is not required for supervising the opening of covers and chambers, or for the renewal or replacement of poles, lamps, columns and sign, pole testing and similar work involving minimal breaking up of the street or road. These types of work do, however, require the presence of a trained operative who has successfully completed a unit of competence in signing, lighting and guarding. For this purpose, a record of achievement in this unit will count as a prescribed qualification.

For all other types of work, a full qualification must be held by the relevant person.

Who will award the qualifications?

The Secretary of State has appointed three organisations to act as awarding bodies for the scheme:

- City and Guilds of London Institute (England and Wales only)
- Scottish Vocational Education Council (Scotland only)
- Certification and Assessment Board for the Water Industry

How will the qualified persons be identified?

A Street Works Qualification Register containing details of the qualifications awarded by all awarding bodies will be maintained. Each person included in the register will be issued with a personal identity card showing the qualification or qualifications held by that person. The Register will respond in writing to authorised telephone or written requests for information about the qualification status of individuals. The enquirer will be invoiced for this service. Qualifications will need to be re-registered by the holder five years after the date of the previous registration.