1. INTRODUCTION

These Guidance Notes are intended to accompany Hertfordshire County Council’s Application Form for: (a) a street works licence and associated works pursuant to Section 50 of the New Roads and Street Works Act 1991 (“the 1991 Act”); and (b) an highway excavation licence pursuant to Section 171 of the Highways Act 1980 (“the 1980 Act”).

Whilst these Guidance Notes will assist applicants not familiar with the requirements of the relevant legislation it is strongly advised that such applicants appoint a contractor with the knowledge and accreditation to help complete the application and to conduct the works on their behalf. Non-compliance with any requirements of the New Roads and Street Works Act 1991 or the Highways Act 1980 may result in severe financial penalties.

The categories of works covered by these Guidance Notes are:

a) Placing new apparatus in the Highway - For authorisation under Section 50 of the 1991 Act to place and retain new apparatus in the highway (a street works licence);

b) Conducting work on existing licensed apparatus in the Highway - For consent under Section 50 of the 1991 Act to work on existing apparatus in the highway which has an existing street works licence; and

c) Excavating in the Highway - For consent under Section 171 of the 1980 Act to carry out excavations within the highway (e.g. to establish locations of existing plant).

Please note that if a licence is sought to carry out works to existing apparatus in the highway and such apparatus is not presently licensed (or otherwise lawfully in the highway) then applicants must first apply for a licence under category (a).

2. STREET WORKS LICENCE AND ASSOCIATED WORKS

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.

The term apparatus includes drains, cables, ducts, sewer pipes, water and gas pipes etc, both under, over, across, along or upon it.

It is important to note that any person granted a street works licence becomes an ‘undertaker’ for the purposes of the 1991 Act, and therefore attracts the relevant duties and responsibilities imposed by the 1991 Act and associated secondary legislation and codes of practice. Breaches of such duties and responsibilities can result in, amongst other things, a statutory offence which carries severe fines.

Further key aspects to consider: -

(a) Applicants should read the conditions of the required licence carefully;

(b) Under Section 50 (3) of the 1991 Act a street works licence does not: (i) Dispense the licensee from obtaining any other consent, licence, or permission, which may be required; and (ii) Authorise the installation of apparatus for the use of which the licence of the Secretary of State is required, unless and until that licence has been granted;

(c) Under Section 51 of the 1991 Act a street works licence does not allow the licensee to place apparatus in the street, break up, break open nor bore under a street otherwise than in pursuance of a statutory right or a street works licence;
In order to comply with Section 69 of the 1991 Act YOU must inform the appropriate undertakers to allow them to identify whether the proposed works will affect their apparatus. In order to allow Statutory Undertakers time to identify whether the proposed works will affect their apparatus and to comply with Section 69 of the 1991 Act you must undertake Statutory Undertaker searches before submitting your application. A list of Statutory Undertakers with recorded apparatus in Hertfordshire is included within the application pack;

Within Schedule 3 paragraph 2(b) of the 1991 Act, administering fees for processing an application will be charged according to Hertfordshire County Council’s financial costs which are subject to annual increments;

Inspections as described within the Code of Practice for Inspections will be undertaken and a fee levied under The Street Works (Inspection Fees) (England) Regulations increments will apply; and

A Licensee executing street works shall ensure that the site is adequately signed, guarded and lit, with particular regard to the needs of people with disabilities. All traffic management is to be installed in accordance with Safety at Street Works and Road Works - A Code of Practice.

3. EXCAVATION LICENCE AND ASSOCIATED WORKS

The requirement to obtain a licence under Section 171 of the 1980 Act applies to any person or organisation who wishes to excavate in the highway to establish the position of existing plant and apparatus.

Please note that any other works within the highway will be the subject of a different licence/agreement, such as a section 278 agreement, and such licences/agreements are not covered by these Guidance Notes.

Further key aspects to consider:

(a) Applicants should read the conditions of the required licence carefully;

(b) A licensee executing excavation works shall secure that the site is adequately signed, guarded and lit, with particular regard to the needs of people with disabilities. All traffic management is to be installed in accordance with Safety at Street Works and Road Works - A Code of Practice; and

(c) Any excavation must not remain in the highway longer than necessary.

Applications will be processed and approved by the relevant Highways Network Management Team (HNMT) of Hertfordshire County Council.

4. TIMESCALES

In order for Hertfordshire County Council to comply with its statutory duty under Section 16 of the Traffic Management Act 2004, all applications must be submitted at least four (4) weeks in advance of the intended date for commencement of the proposed works. A shorter period may be agreed by Hertfordshire County Council in conjunction with the other undertakers likely to be affected by the works.

In cases coming within the definition of emergency works as defined by Section 52 of the 1991 Act, an undertaker may commence works without giving prior notice but must notify all concerned within two (2) hours of works having begun or if outside of normal working hours within two (2) hours of the start of the following working day.

5. INFORMATION REQUIRED
The following information is required before any application will be processed:

(a) Completed and signed application form;
(b) Payment (see notes below);
(c) Plan of proposed works - please provide a scale plan at 1/2500 or greater of the proposed location and depth of the relevant apparatus marked by a red broken line;
(d) Evidence of Statutory Undertake searches – evidence is required that you have contacted the affected Statutory Undertakers with apparatus in the locality of proposed works;
(e) NRSWA Certified accreditation – under Section 67 of the Act any works carried out on the Public Highway must be completed by Certified Operatives and supervised by a Certified Supervisor [please provide copies of the relevant cards (both sides)];
(f) Public Liability insurance (minimum £10 million) – please provide a copy of the insurance certificate;
(g) Completed NRSWA Noticing form – all works are to be noticed and registered in accordance with the relevant legislation, please refer to Herts Highways NRSWA Notice of Works form and NRSWA Notice of Works – Guidance Notes; and
(h) Foul sewer authority approval allowing connection onto their main (if applicable).

6. COST OF LICENCE

Payment is required in advance for all categories of works (excluding emergency works) Details of the costs are included on the application form

Please note:

(a) Works in excess of 10 openings or 200 metres length will be subject to additional Inspection Fees as per current charges
(b) All charges may incur periodic increases in accordance with the Act and/or Hertfordshire County Councils finance reviews
(c) Following a cancellation notification from the applicant being received within 24 hours / 5 working days after receipt of their completed application. A reduction of the above chargeable fee will be refunded in accordance of time period given for cancellation.

Payments can be made by BACS transfer, or with a cheque made payable to Hertfordshire County Council BACS, account details are as follows:

<table>
<thead>
<tr>
<th>Account Name</th>
<th>Hertfordshire County Council – General Account</th>
</tr>
</thead>
<tbody>
<tr>
<td>Account Number</td>
<td>13774597</td>
</tr>
<tr>
<td>Sort Code</td>
<td>20-17-19</td>
</tr>
<tr>
<td>Bank</td>
<td>Barclays Bank, Cambridge Branch</td>
</tr>
<tr>
<td>VAT no. GB</td>
<td>214527877</td>
</tr>
</tbody>
</table>

The BACS payment must be referenced in the following way:-

S50 / relevant Herts area [either MidHerts, SouthWestHerts, NorthHerts or East Herts] / Road name, Town
For example; S50 / MidHerts / Victoria Street, St Albans

Please send remittance advice to remittances.solution@serco.com AND HighwaysSection50@Hertfordshire.com

Cheques must be made payable to ‘Hertfordshire County Council’. Please reference the reverse of the cheque in the same way as BACS payments above and send to Hertfordshire County Council, Pegs Lane, HERTFORD, SG13 8DN

If you do not provide the correct reference for the payment, your application may be delayed.
7. ADDITIONAL CONDITIONS

Applicants should note that Hertfordshire County Council might impose special conditions: a) In the interest of safety; b) To minimise inconvenience to persons using the street and having regard to people with a disability; and 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.

8. DISPOSAL OF WASTE

Waste must only be removed by a licensed carrier and must be disposed of at a licensed site. To do otherwise is to commit an offence punishable by up to 12 months in prison and a £50,000 fine. For information on how to safely dispose of waste please use these links http://www.wastebook.org/ http://www.wasteaware.org.uk/

9. NOTICING OF WORKS

All works relating to a street works licence are to be noticed in accordance with current legislation and guidance that is detailed within the Code of Practice for the Coordination of Street Works and Works for Road Purposes and Related Matters (The Blue Code).

Please refer to Hertfordshire County Council’s NRSWA Notice of Works form and NRSWA Notice of Works – Guidance Notes for further information.

When submitting the Works Stop notice and Reinstatement details, the Licensee must provide a detailed drawing to scale (1:500) showing the actual depth of the apparatus, and its location measured against fixed objects/structures.

Please Note: Under Section 74 of the 1991 Act, Notice Procedures must be strictly adhered to as Section 74 overstates charging criteria applies in Hertfordshire (see Section 13 below).

10. MONITORING

The Licensee must permit Hertfordshire County Council to monitor their contractor’s performance throughout all stages of street works. These are:

a) Undertaken during the progress of the works
b) Undertaken within the six months following interim or permanent reinstatement
c) Undertaken within the three months preceding the end of the guarantee period (this period will begin from the date the Reinstatement details are submitted to the HNMT)

11. REINSTATEMENT

The Licensee shall reinstate the highway following completion of the authorised works in accordance with the HAUC Specification for the Reinstatement of Openings in the highway whether the reinstatement is temporary or permanent.

The Licensee must register the reinstatement by the end of the following working day using the NRSWA Notice of Works form, stating whether it is interim or permanent. If an interim reinstatement is carried out this must be made permanent within 6 months. This procedure must also be followed for works authorised under Section 171 of the 1980 Act.

Works found to be defective shall incur the relevant inspection fees for that inspection and for each follow up inspection carried out until the works are found to be acceptable. Where Hertfordshire County Council has to rectify any defective reinstatements or carry out any signing, lighting, guarding or other works to make the site safe the Licensee will be charged with the costs.
12. **TEMPORARY TRAFFIC REGULATION ORDERS**

Please note that any application requiring a **Temporary Traffic Regulation Order** (TTRO) will require further documentation and involve additional costs. A TTRO application takes a minimum of 8 weeks to process. It is advised that you contact the relevant HNMT for guidance.

13. **DURATION OF THE WORKS**

Section 74 of the 1991 Act has been implemented in Hertfordshire, which means charges for unreasonable prolonged occupation of the Highway can be made in accordance with the latest regulation amendments approved by parliament.

If a Street Works Licence holder does not give the proper notices of starting and ending their works, or if they take longer to complete the works they have given notice for, they will be subject to the relevant regulatory charges at time of operation.

**Note:** Charges are per day of overrun beyond the prescribed or reasonable duration. Any overrun on Remedial Works will be charged at the rate appropriate to the works category of the new works.

14. **ENQUIRIES AND QUESTIONS**

If applicants wish to make any enquiries or have any questions concerning street works licences and excavation licences they can contact Hertfordshire County Council on the following:

**W:** [http://www.hertsdirect.org/](http://www.hertsdirect.org/)  **E:** highwaysbst@hertfordshire.gov.uk

END