

Part 1

Notes for Guidance and Terms and Conditions of Licence

Any person or organisation (other than a statutory undertaker) who wishes to place and retain apparatus in the street* and thereafter inspect, maintain, adjust, repair or alter it, must be in possession of a Street Works Licence under S50(1) of the New Roads Street Works Act 1991 (NRSWA 1991). This licence will be granted to a person e.g. owner of the apparatus or the owner of the land (and his successors in title) who will become an undertaker** for the purposes of the NRSWA 1991 and therefore attract the relevant statutory duties imposed by the act and associated secondary legislation and Codes of Practice. Owners should note their statutory duty to ensure that the apparatus (including any structure for the lodging in it of apparatus or for gaining access to apparatus and includes a sewer, drain or tunnel) is properly maintained at all times.

Applicants not familiar with the requirements of this legislation are strongly advised to appoint a contractor with the appropriate knowledge and accreditation to complete the application. The works must be carried out by an accredited operative and overseen by an accredited supervisor.

Applicants should note that in accordance with S50(4) and Schedule 3 (3) of NRSWA 1991, special licence conditions may be imposed by the Street Authority and must be strictly adhered to by the Licensee. These may be applied on traffic sensitive streets, streets with special engineering difficulties and protected streets and to minimise the inconvenience to persons using the street, having particular regard to people with a disability.

Financial penalties will be levied against the licensee for non-compliance with the relevant statutory duties and licence conditions, and the street authority may withdraw the licence. Applicants should note that this liability cannot be delegated to any other person or organisation.

The Licensee must allow the Street Authority to monitor performance throughout all stages of the works, including when the works are being carried out, during the period of 6 months following interim or permanent reinstatement and during the period of 3 months preceding the end of the guarantee period (this period will be for 2 years from the date of permanent reinstatement for excavations up to 1.5m deep and 3 years if deeper). All reinstatement must conform to the Specification of the Reinstatement of Openings in Highways Code of Practice (SROH). The guarantee period will not commence until we receive notification of the works being completed and Part 3 Section 70 Notification of Reinstatement under NRSWA 1991.

The Licensee must arrange an initial discussion with one of London Borough of Croydon's Network Management Officers and Construction Logistics manager. The discussion must take place prior to any submission as once an application is made a £701 non refundable deposit is required before processing any further.

The applicant must also contact the streetworks inspector prior to works commencing to carry out a conditional survey. Contact details for both on page 6.

*S48 NRSWA 1991 defines a 'Street' as any highway, road, lane, footway or passage, any square or court, any land laid out as a way and includes any street which passes over a bridge or tunnel.

** S48(4) NRSWA 1991 states that an undertaker in relation to street works means the person by whom the relevant statutory right is exercisable (in the capacity in which it is exercisable by him) or the licensee under the relevant street works licence, as the case may be.

The following documentation etc. must be received to process your application or the issuing of your licence will be delayed: -

1. A completed Street Works Licence Application.

2. Licence Fee:

A non-refundable payment of £701 payable immediately upon submitting section 50 licence application. This is in respect of the co-ordination of the works, administration and registration of the licence. The Applicant must discuss the time requirements before submitting as the £650 is non refundable. On occasions the works may not be able to take place due to traffic management issues (road closure in a close as an example. Unless emergency service access can maintain it might not be possible. In these circumstances the applicant would need to contact the emergency services for the area for agreements).

3. Refundable Deposit:

In addition to the non-refundable fee you will be required to provide a refundable deposit.

For total excavations up to and including 5 cubic metres the deposit will be £2,000. For total excavations in excess of 5 cubic metres the deposit will be £2,000 plus an additional £400 for every cubic metre in excess of 5 cubic metres. For excavations that exceed 1.5m in depth there will be an additional deposit of £1,000. For excavations that take place solely in the verge, a reduced refundable deposit may be applicable.

The deposited amount will be refunded after the final inspection completed by the Council at the end of the guarantee period mentioned above. The final inspection may entail both a visual and core drilled analysis. If a core test fails then costs for this will be charged. However, in the event that the reinstatement fails, the Council reserves the right either to:

a) request that the applicant undertakes the remedial work which will reset the guarantee period on completion (an additional Licence Fee of £250 will apply) or

b) by retaining some or all of the monies deposited and requesting any additional expenses reasonable incurred by the Council e.g. employing temporary traffic management, make good the defect.

Please note that if you do not respond to the letter advising you that your reinstatement fails the SROH test within 28 days, the Council reserves the right to take over your site to reinstate in accordance with SROH and recover the costs of doing so from your deposit.

Payment can be made by card: one payment for the non-refundable Licence Fee and the other for the Refundable Deposit - please see page 6 for contact details. .

The refundable deposit must be reclaimed within one year of completion of the guarantee period.

In the event you are working collaboratively / trench sharing your deposit may still be held for the duration of the guarantee period. It is advisable that one works promoter backfills and reinstates the trench.

4. NRSWA Accreditation:

The work shall be carried out by competent NRSWA accredited operative(s) and overseen by a NRSWA accredited supervisor. A colour photocopy of each Street Works Accreditation document for both operatives and supervisors is required. Please note that we require the module for both cold and hot lay bituminous materials. Please note those supervising cannot be the same operative on site and must be a separate qualified supervisor.

5. Proof of Public Liability Insurance:

The Applicant must indemnify the London Borough of Croydon against any claim in respect of injury, damage or loss arising from the works, and provide a minimum of £5 million cover. Insurance must be maintained from commencement of the works on the highway until permanent reinstatement. A copy of the Insurance certificate must be provided with your application.

6. 2 copies of a scale plan: of the location or proposed location with the apparatus marked by a broken red line and traffic management drawings by a qualified / competent traffic management company which show pedestrian control / traffic control.

7. Notifying Others:

In order to comply with Section 69 of the New Roads and Street Works Act 1991, it is the Licensee's responsibility to contact all other statutory undertakers whose plant may be affected by their works. Part 5 includes the main utility companies who have apparatus located across Croydon. The Applicant should contact any other utility or relevant authorities that they are aware of who have apparatus in the street.

The Applicant shall arrange for the lowering of any mains or services and the removing of any cabinets, telegraph poles etc. prior to the main construction works.

If a connection to a sewer, gas main or electrical supply / water supply or any other service connection is proposed a copy of the written consent from the owner must be submitted with the application.

If the proposed works are to take place within close proximity to a tram track then written consent from Tramlink (at Transport for London) must be submitted with the application. Again it would be advisable to have a discussion before submission in case proposed works cannot happen near the tram network.

Technical Approval for Structures:

The London Borough of Croydon operates a self certification scheme for the design and checking of highways structures. Technical approval procedures are applied in accordance with Department for Transport's relevant Code of Practice.

Technical approval is required if your work entails assessing, strengthening, alteration or repair of existing structures located over, under or adjacent to the public highway. You will also require Technical Approval if any part of your excavation works exceed 1.5m in depth.

Additional fees will apply if structural approval is required. Please contact structures@croydon.gov.uk for further information.

Works that are on or near a bridge will require the approval of the relevant bridge authority.

The Licensee shall arrange for noisy works to be avoided outside the hours of 8.00 a.m. to 6.00 p.m. Monday to Friday and 8.00 a.m. to 1.00 p.m. on Saturday. If works are to be undertaken outside these hours, permission must first be obtained from the Council's Pollution Control Team. Tel: 0208 726 6000. Email: specialistpollution@croydon.gov.uk

8. Traffic Management Approval:

All applications will be assessed by London Borough of Croydon's Network Management Team with regard to the proposed methods of traffic management. You must contact the team prior to application for an initial conversation to see if works proposed are possible subject to detailed traffic management plans and other agreements being made. A traffic management drawing will then be needed as part of the application. TTROs will require separate approvals and have additional costs. Copies of these applications/approvals must be submitted with the application once provisionally agreed with the NMO. Please see page 6 for contact details.

In order for London Borough of Croydon to comply with its statutory duties, all applications for a licence must be submitted three months in advance of the proposed works start date for works that require a traffic order or are 11 days or more in duration. All other types of works must be submitted two months in advance. The Licensee must also provide confirmation of the intended start date 10 working days in advance.

The applicant is responsible for having all agreements from necessary stakeholders 30 days before the proposed start date. If this is not done then the period will start again. This allows for coordination checks, signing of licence etc to be completed.

In urgent or emergency situations a shorter period may be agreed.

The Applicant is required to notify London Borough of Croydon of the following information once the works have commenced:

Confirmation of 'actual start'. The works start information must be received within 2 hours of works commencing if the start time is before 16.30hrs and by 10.00hrs the following day for works starting later.

Confirmation of 'works closed' once the street has been interim or permanently reinstated and all spoil, materials, signing, lighting and guarding have been removed from site. The works closed information must be received within 2 hours of the site being clear for works finishing by 16.30hrs and by 10.00hrs the following day for works finishing later.

London Borough of Croydon will accept an email (streetworks@croydon.gov.uk) advising of the actual start and works closed information.

A 'registration of reinstatement' notice following completion of the reinstatement. The registration of reinstatement must be received by the street authority within 10 working days of completing the works, stating whether the works are interim or permanent. A detailed drawing to scale 1:1250 showing the actual depth of the apparatus and its location measured against fixed objects/structures should also be submitted. Photographic evidence of ALL levels of reinstatement are to be attached to the Registration of Reinstatement form.

Failure to provide this information in a timely manner could result in a fixed penalty notice (FPN) being given for each offence committed. The penalty is £120.00 which must be paid within 36 calendar days. A discounted amount of £80.00 will apply if payment is made within 29 calendar days.

It would also be advisable for the applicant making themselves aware of the current permit scheme as any site / system FPNs may be charge against the site. FPNs will be sent to the applicant and should be paid asap.

It is important that the agreed start and end date of works are adhered to. NRSWA Section 74 Charges can apply if street works take a longer duration than previously agreed. A daily charge is applicable for each working day that the works exceed the agreed duration. The daily charge varies according to the road category, whether the street is traffic sensitive, and whether or not the works affect the carriageway at any time during the period of overrun. In addition you will risk being asked to stop work and will require a further licence to be issued to complete them. If difficulties are encountered you should contact streetworks@croydon.gov.uk as soon as you are aware of these issues. **Currently these charges range from £100-£10000 PER DAY.** Please consult the Code of Practice for the Co-ordination of Street Works section 8.4.

Applicants must ensure that they are familiar with the rules, regulations and fees associated with overrunning works.

- (a) The works undertaken shall still be subject to any routine or third-party informed inspection by the London Borough of Croydon under NRSWA. Should the apparatus or reinstatement be found defective under the Act, you shall be liable for ALL subsequent defect inspection costs as detailed in the Code of Practice for Inspections, and any further investigatory costs made by the London Borough of Croydon(These will be deducted from the bond).

Other Charges:

Associated costs of removal of street furniture, tree or landscape area (if applicable) will be carried out by our own contractor and charged to the applicant. If any street tree or landscaped area is lost as result of the works, replanting will be carried out in a suitable location by the Council's contactors, and the costs charged to the applicant.

If an extension to the duration of works is requested, an additional administration charge of £35 will be levied for assessment and if appropriate, notification to others.

Core charges and additional inspection fees may be incurred if reinstatement works are found to be defective.

Controlled Waste

The applicant is responsible for the correct disposal of all commercial waste from the excavation. Any such waste must be disposed of in the correct manner as laid down by legislation.

Appeal against a decision of a local highway authority.

An applicant aggrieved by the refusal of the authority to grant him a licence or by any terms or conditions of the licence may appeal to the appropriate national authority.

Withdrawal of a license

The Council may withdraw a street works licence if the licensee fails to comply with the provisions of the NRSWA 1991 or any condition of the licence; or if the authority considers that the withdrawal of the licence is necessary for the purpose of the exercise of its functions as street authority.

Contact Details:

Email: streetworks@croydon.gov.uk or **Telephone** 0208 8726 6000 Ext 52864 and ask for the Streetworks Team for any enquiries including arranging the payment of fees.

Network Management Officer : trafficmanagement@croydon.gov.uk to discuss any traffic management requirements. This must be prior to any submission of a section 50 and failure to do so could delay your start date or in certain instances your works not to start and the loss of your non refundable payment. .

structures@croydon.gov.uk (Technical Approval of Highway Structures)

Construction Logistics Manager: bryan.foreman@croydon.gov.uk

NRSWA inspectors to discuss reinstatements / defects etc.

Richard.busby@croydon.gov.uk

Sheela.akkoo@croydon.gov.uk

Keith.barlow@croydon.gov.uk

TTRO Applications. Clare.harris@croydon.gov.uk