

## **HIGHWAYS ACT 1980**

### **s. 171**

#### **LICENCE TO MAKE A TEMPORARY EXCAVATION OR OCCUPATION OF THE HIGHWAY**

##### **Licence conditions**

1. This Licence is personal to the Licensee and is granted subject to the conditions herein for the Works described.
2. The Licensee shall provide the New Roads and Street Works Act 1991 accreditation (front and back) operative and supervisor.
3. The Licensee shall ensure that they or any contractor(s) employed by them shall be aware of and comply with the obligations placed on him by this Licence, the Highways Act, the New Roads and Street Works Act 1991 and, specifically, the Specification for Reinstatement of Openings in the Highway or any specification that updates, replaces or revises this Specification.
4. The Licensee and his contractor(s) shall, at all times, comply with the 'Safety at Street Works and Road Works – a Code of Practice' or any code that updates, replaces or revises this Code.
5. A minimum allowance of 1.2 metres shall be made available for pedestrians at all times. Please contact the council's Streetworks team if you need advice.
6. This Licence shall remain in force for the period specified in this Licence or until it is withdrawn by Wokingham Borough Council or terminated by the Licensee, provided that the Licensee gives no less than 10 (ten) working days written notice.
7. The granting of this Licence does not dispense the Licensee from obtaining any other consent, licence, or provision which may be required in respect of the works and any associated works, and it does not authorise installation of any apparatus (under section 50 of the New Roads and Street Works Act 1991) for the use of which the Licence of the Secretary of State is required unless and until that License has been granted.
8. The Licensee must notify the Council no later than when 20% (twenty per cent) of the remaining duration or 2 (two) working days before the expiry of the Licence, whichever is greater, if the works will continue beyond the end date of the Licence, the Council shall apply section 74 of the New Roads and Street Works Act 1991, whereupon the Council will, using its discretion, consider if an extension to the Licence can be granted and for the avoidance of doubt, no further works shall be permitted beyond the Licence period unless approval has been given in writing by the Council.
9. When permanent reinstatement is completed, the Licensee is required to complete the New Roads and Street Works Act 1991 Registration of Works form R1 – Registration Form no later than 10 (ten) working days from reinstatement of the highway and return it for the attention of Streetworks via email as referenced in the Licence, such form



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shall include the date the reinstatement was made and associated photographs which shall be subject to the written satisfaction of the Council.

10. The Licensee must ensure the removal of any surplus materials and traffic management from the site. It is the Licensee's responsibility to ensure that all relevant waste legislation is adhered to, including the [Environment Act 1990 and] Duty of Care Regulations 1991.
11. The Licensee shall take out Public Liability Insurance with a value minimum of £10,000,000 per incident, with an unlimited number of incidents and shall be liable for and shall indemnify the Council against all actions, demands, proceedings, damages, expenses, losses or costs and shall produce forthwith to the Council on request the current policy and certificate of insurance current receipts for premium payments and confirmation of the annual renewals of the policy.
12. Adequate measures shall be used to prevent damage to the highway by the excavation. Any damage caused by the placing or removal of the works [excavation] must be reported to the council immediately.
13. Any damage to the highway caused by the works [excavation] will be repaired or reinstated by the Council at the cost of the Licensee. The term 'highway' includes 'footway, carriageway and verge'.
14. A pre-construction meeting may be required with the Streetworks Inspector for the area. If this is the case, the Licence will not be granted until this has taken place.
15. Risk and Method Statements could be requested for the activity applied for (including traffic management); these must be submitted with the application.
16. The Licensee must display a site information board detailing the permit number, who is undertaking the work, and the 24-hour emergency contact number is required to be displayed on site throughout the work.
17. The Licensee shall not carry out any work on the highway except in accordance with the agreed application and plan submitted to and approved in writing by the Council.
18. During the hours of darkness and in limited daytime visibility, suitable arrangement must be in place to indicate the works as per the Safety at Street Works and Road Works guidance  
(<https://assets.publishing.service.gov.uk/media/5a7d8038e5274a676d532707/safety-at-streetworks.pdf>).
19. The Licensee is advised that the Council may, if it thinks fit and reasonable to do so, terminate this consent without notice. At such a time, all operations and plant shall be dismantled and removed from the highway without delay. If the Council has to do this, all costs associated with it will be recoverable from the Licensee.



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**Right to appeal under Section 171 (3) of the Highways Act 1980**

If the applicant objects to these conditions or a refusal by the Highway Authority to approve a Licence, then the applicant may appeal to the magistrates' court.