west sussex county council

Conditions of Licence (made under S171 of the Highways Act 1980):

1. The applicant shall not carry out any excavation or other works in the highway except in accordance with the drawing submitted and approved by the Highway Authority. The Works shall be carried out by a contractor approved by and under the supervision of the Highway Authority. For the purposes of carrying out the Works, the contractor shall comply with Codes of Practice for Training issued under the New Roads and Street Works Act 1991. Specifically, the contractors' supervisor will be trained and accredited to the requirements of the Codes of Practice.
2. The applicant shall indemnify the County Council in respect of any Third Party claims or demands which may arise from his works on the highway. The licencee shall effect insurance indemnifying the Licencee and the County Council for the duration of the works and until the County Council resumes responsibility in accordance with condition 13. Such insurance shall afford an indemnity of not less than £10 million in respect of each and every occurrence or series of occurrences caused or attributable to any event giving rise to a claim. A copy of the insurance policy shall be included with this application. Where the applicant is a private individual, his contractors' insurers may complete appendix 1 indicating that they are prepared to indemnify both the applicant and the County Council.
3. The applicant shall regulate the works so as to minimise obstruction to vehicular and pedestrian traffic and shall sign and guard the works in accordance with Chapter 8 of the Traffic Signs Manual 2006. The works are shall be maintained clean and tidy throughout the duration of the works. See also condition 15.
4. The applicant shall not interfere with any drain, culvert, gully, bridge, wall or other structure without the specific consent of the Highway Authority.
5. Except in accordance with this licence, no part of the highway will be closed AT ANY TIME without the prior consent of the Highway Authority.
6. The issue of a licence to make a temporary access or excavation in the highway does not authorise the applicant to interfere with apparatus already existing in the highway. Access must be maintained to any apparatus within the highway at all times.
7. Once issued this licence shall be valid for a period of Three (3) weeks from the date of issue.

8. The Contractor shall carry out and complete the Works as agent for the Council but at the Contractors own expense in a good and workmanlike manner and with proper materials in accordance in all respects with the Drawing and with the notes shown on the Drawing(s) and to the satisfaction of the Proper Officer within ...4..... (weeks) from the date of this Licence agreement. The time period for completion of the works may only be extended with the written permission of the Proper Officer.
9. Any works necessary by the Highway Authority as a result of the failure of the applicant to comply with the conditions of this licence shall be chargeable to the applicant. The applicant shall also be liable for any further inspections that may be necessary in the same manner as provided under Section 72(2) of the New Roads and Street Works Act 1991.
10. In the event of the Works being cancelled after the application form has been submitted the administration fee will be charged to the applicant to cover administrative costs.
11. Reinstatement of the Works shall be to the satisfaction of the Highways Inspector.
12. Once the Works are complete the area shall be left in a clean and tidy condition to the satisfaction of the Highway Authority.
13. Within two (2) days of completion of the Works the applicant shall give written notice to the Highway Authority. This shall be done by way of the 'Completion Notice' provided by the Highway Authority.
14. The Contractor shall during the carrying out of the Works give to the Highways Inspector and any other officer of the Council access to every part of the Land for the purpose of inspecting the Works and all materials used or intended to be used for the purpose of the Works.
15. Once the Completion Notice is received by the Highway Authority and upon completion of the Stage 3 Safety Audit; if required and any remedial works to his satisfaction the Highways Inspector shall issue his Completion Certificate; upon written request from the Applicant and from that date the Maintenance Period of twelve calendar months shall commence to run.
16. The date and time when the Highway Authority will resume responsibility for maintenance of the Reinstatement Works will normally be 12 months from the proper date of completion of the Reinstatement Works. Until the Highway Authority resume responsibility for maintenance of the Reinstatement Works, the applicant shall be responsible for any claims arising from the Reinstatement Works or any necessary maintenance works and associated costs. Necessary works shall be determined by the Highway Authority.

17. The Contractor & his Employees shall comply with the Health and Safety at Work etc Act 1974 and all other current relevant legislation approved codes of practice British-European Harmonised Standards and relevant industry best guidance applicable to the safe undertaking of the Works. The protection of the general public is to be given paramount importance by the Contractor & his Employees and the particular attention of the Contractor is drawn to the following non-exhaustive list of legislation most applicable to highway works and with which the Contractor & his Employees is to comply as a condition of this Licence Agreement:

- Chapter 8 - Traffic Signs Manual 2006.
- The New Roads and Street Works Act 1991 and Approved Code of Practice - Safety at Street Works and Road Works (2002)
- The Construction (Design and Management) Regulations 2007 (the "CDM") and Approved Code of Practice and Guidance 2001
- Traffic Signs and General Directions Regulations 2002
- Construction (Health, Safety and Welfare) Regulations 1996
- The Lifting Operations and Lifting Equipment Regulations 1998
- Provision and Use of Work Equipment Regulations 1998
- The Management of Health and Safety at Work Regulations 1999
- The Control of Substances Hazardous to Health Regulations 2002

18. Prior to the expiration of the Maintenance Period the Applicant shall without delay and at its own expense reinstate and make good any defect or damage which may have arisen from any cause whatsoever or be discovered during the Maintenance Period (including any defect in or damage to the road surface water system) of which it has been notified in writing by the Highways Inspector so that the Reinstatement Works comply with the Specification and then provided that:

(a) The Applicant has paid to the Council all amounts due to the Council under this Licence; and

(b) any necessary reinstatement or other works (including the Stage 3 Safety Audit remedial works if any) have been completed to the satisfaction of the Highways Inspector; and

(c) the Applicant has delivered to the Highways Inspector drawings showing the Reinstatement Works as constructed and an electronic plan showing the layout of the Road;

The Highways Inspector shall issue his Final Certificate relating to the Reinstatement Works to the Applicant; upon written request by the Applicant, and shall release the deposit from all liability in connection with the Works.

19. A Cash Deposit equal to the total cost of the construction will be required to be paid by the Applicant prior to the signing of this Licence Agreement and will be released in increments to the Applicant upon completion of the works (50%) and the balance (50%) after the expiry of the twelve months maintenance period from the date of the Completion Certificate being issued.

Notes:

1. The 'highway' includes carriageway, footway and any verge
2. 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 within 21 days of notification of the conditions
3. A criminal offence is committed if these conditions are breached.