**APPLICATION FOR LICENCE TO PLACE APPARATUS IN A STREET**

***Section 50, schedule 3 of the New Roads and Street Works Act 1991***

Trunk Road Management Unit

To satisfy the requirements of the Act, Licensees must arrange for works to be carried out by a person having prescribed qualification as ‘Supervisor’ and in addition, they must ensure that a person having a prescribed qualification as a ‘Trained Operative’ is present on site at all times when work is in progress.

The following must be submitted with the application:

* Copy of the site plan to a scale no less than 1/500 showing the applicants property marked in **red** and proposed siting of apparatus marked in **blue**
* Copy of location plan to a scale not less than 1/250, 1/2500 or 1/10,000 showing location of site in relation to its surrounding
* Copy of Street Works Qualification
* Copy of Public Liability Insurance

**Applicant**

|  |  |  |  |
| --- | --- | --- | --- |
| (Mr/Mrs/Miss/other) |  | | |
| Full Name |  | | |
| Address |  | | |
|  | | | |
| Post Code |  | E-mail |  |
| Telephone no. |  | Mobile no. |  |

**Agent**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| (Mr/Mrs/Miss/other) | |  | | |
| Full Name | |  | | |
| On behalf (agent company) | |  | | |
| Address | |  | | |
|  | | | | |
| Post Code |  | | E-mail |  |
| Telephone no. |  | | Mobile no. |  |

**Contractor**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| (Mr/Mrs/Miss/other) | |  | | |
| Full Name | |  | | |
| On behalf (company) | |  | | |
| Address | |  | | |
|  | | | | |
| Post Code |  | | E-mail |  |
| Telephone no. |  | | Mobile no. |  |

**Supervisor**

|  |  |
| --- | --- |
| (Mr/Mrs/Miss/other) |  |
| Full Name |  |
| Supervisor Certificate no. |  |

**Operative**

|  |  |
| --- | --- |
| (Mr/Mrs/Miss/other) |  |
| Full Name |  |
| Operative Certificate no. |  |

**Location of proposed works**

|  |  |
| --- | --- |
| Full address including postcode |  |
| Grid reference |  |
| Road number |  |
| Brief description of works |  |
| Duration of works |  |
| State what Traffic Management to be used. |  |

**Insurance Indemnity Certificate**

The Licensee shall indemnify the Trunk Road Agent against any claim in respect of injury, damage or loss in accordance with Schedule 3, Section 8 of the New Roads and Street Works Act 1991.

The Indemnity provided by the Policy should not be less than £10 million for any one accident or any one claim. The Trunk Road Agent has the right to ask to inspect the candidate’s Insurance Policy to ensure that it is valid.

|  |  |
| --- | --- |
| Name of insurance company |  |
| Policy number |  |

**Fees**

The relevant fee must be paid before consideration is given to your application. Enclose a cheque with the application (payable to Gwynedd Council) or phone 01286 685170 / 01286 685169 to pay by card

\*Please note that this fee is non-refundable.

* New licence: £336.00
* Work on existing apparatus: £217.00

**Declaration**

I/We agree to abide by all the conditions laid down in this application issued to me/us by the Trunk Road Agent:

|  |  |  |  |
| --- | --- | --- | --- |
| Signature |  | Date |  |

NOTE: The licence is not valid until it has been signed by an authorised officer of the Trunk Road Agent. Payment does not authorise commencement of works. The Trunk Road Agent does not accept liability for any inconvenience, loss or costs incurred as a result of the applications being processed late due to lack of information submitted by the applicant.

**Return to North and Mid Wales Trunk Road Agent**

**Unit 5 Llys Britannia, Parc Menai, Bangor, LL57 4BN**

🕿 01286 685169 / 01286 685170: **E-mail:** [**streetworks@nmwtra.org.uk**](mailto:streetworks@nmwtra.org.uk)**:**

**NORTH & MID WALES TRUNK ROAD AGENT**

**NEW ROADS AND STREET WORKS ACT 1991**

**LICENCE TO PLACE / RETAIN APPARATUS IN THE HIGHWAY**

**NOTES FOR GUIDANCE**

1. As from 1st January 1993 all Licences granted for the installation of private apparatus in the Street are granted under the provisions of *Section 50* of and *Schedule 3* of the *New Roads and Street Works Act 1991.*

2. Upon granting of the Licence, the Licensee becomes an **Undertaker** for the purposes of *Part III* of and *Schedule 3* to the *New Roads and Street Works Act1991,* and is therefore subject to the provisions and requirements of that Act. The attention of the Licensee is therefore drawn to the provisions of the Act; extracts of the relevant Sections are included for guidance in Appendix A.

3. The attention of the Licensee is also drawn to:-

1. The Code of Practice “*Safety at Street Works and Road Works*” and *Chapter 8* of the Traffic Signs Manual which give practical guidance on the safe signing, lighting and guarding of temporary works on the Street as required by *Section 65* of the *New Roads and Street Works Act 1991.*

(ii) The Street Works (*Qualification of Supervisors and Operatives*) Regulations 1992 which set out the requirements for the qualifications of persons excavating and working in the Street as required by the *New Roads and Street Works Act 1991.*

(iii) The Code of Practice “*Specification for the Reinstatement of Openings* *in Highways*” which gives practical guidance and sets out options available for the purpose of reinstatement of openings in the highway as required by *Section 71* of the *New Roads and Street Works Act 1991.*

The Code of Practice and the Regulations mentioned in 3(i), (ii) and (iii) above can be purchased from H.M.S.O or their approved stockist.

4. 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.

5. The Licensee must comply with any direction given by the Trunk Road Agent as to the timing of works, or any restriction on works.

6. If the works to be carried out require the use of Traffic Signals or a Road Closure Order, Licensee should contact the Trunk Road Agent for advice.

7. Licensee must inform the Trunk Road Agent of any change of ownership, or surrender of licence in accordance with the prescribed timescales.

8. The Trunk Road Agent will require the payment of a fee, which is currently £336.00 (*Three Hundred and Thirty Six Pounds)* in respect of the costs incurred by the Trunk Road Agent in preparing the Licence.

The fee for a Licence to undertake works on **existing apparatus** is £217.00 (*Two Hundred and Seventeen Pounds).*

The licence fee is inclusive of sample inspection fees carried out by the Trunk Road Agent at the following stages:-

**Category**

(A) During excavation and progress of the works

(B) Within six months following interim or permanent reinstatement.

(C) Undertaken within the three months preceding the end of the guarantee period

The guarantee period shall be 2 years from the date of permanent reinstatement or 3 years in the cases of trenches below 1.5 meters deep.

Where a reinstatement is found to be defective, the Trunk Road Agent is entitled to recover payment for the following three defect inspections to ensure the defect is remedied:-

(a) A joint inspection (*The Trunk Road Agent and Licensee)* to determine the nature of the failure and what remedial works need to be carried out.

(b) Inspection of remedial works in progress.

(c) Inspection when remedial works have been completed.

Payments will be required for those defect inspections carried out. Defect inspection charges are currently £47.50 per inspection.

9. The Licensee shall give the Trunk Road Agent sufficient notice to carry out all inspections and **must complete and submit Form “Part N Notice” ten days prior to starting the works.** The Licensee must also complete and submit the R1 Completion Notice informing the Trunk Road Agent within ten working days of the date when the permanent or interim reinstatement is. The final (permanent) reinstatement must be completed no later than 6 months after the completion of any interim reinstatement.

10. The Trunk Road Agent will require the Licensee to indemnify the Trunk Road Agent against any claims in respect of injury, damage or loss arising out of:-

**(a) the placing or presence in the Street of apparatus to which the Licence relates, or**

1. **the excavation by any person of any works authorised by the Licence.**

The Licensee, or the person(s) undertaking the works on his/her behalf will be required to provide public liability/third party insurance to the sum of £5 million covering his/her liability under the terms of the indemnity as mentioned above and will be required to give details of their insurance at time of their application for a Licence.

**GDPR Privacy Notice**

**Your personal information**

The North & Mid Wales Trunk Road Agent (NMWTRA) operate as Agent on behalf of the Welsh Government (WG) for the trunk road network in North & Mid Wales.

As agent, NMWTRA will assume the role of “*Data Processor*” on behalf of WG who are the “*Data Controller*”. WG as Data Controller will be responsible for your personal information.

**Why we need your information**

The WG will use your information as followed:-

|  |  |
| --- | --- |
| **Data Collected** | **Why we need your information?** |
| Streetworks Application | To process your streetworks applications we shall record personal data. |

**Justification for using your Information**

The WG collects and uses your personal information because it has a legal duty or right to do so; or to perform a public interest task; or because you have given your consent. The legal term for this is called the *legal basis of processing*.

*In this instance, the WG is using your personal information because it is undertaking a task in the public interest.*

The WG will not use your information for automated decision making or profiling.

**How your data will be Shared & How long will the data be retained**

Your data may be shared with the following organisations and the data will be retained as detailed below.

The WG will not transfer your personal information to another country.

|  |  |  |
| --- | --- | --- |
| **Data Collected** | **Who we will share your data with?** | **Retention Period** |
| Streetworks Application | - Trunk Road Agents | 15 years |

**Your rights**

You have legal rights, and it is important that you know what they are.

**You have the right to obtain a copy of your personal data.** You will be provided with copies of your personal data within the statutory period of one month (or if providing your personal data is a complex matter, this will be done as soon as is reasonable within 3 months). Your personal data will be provided to you free of charge, however, if your request is deemed *manifestly unfounded* or *excessive*, a reasonable fee will be charged. You ask to obtain your personal data by contacting the WG Data Protection Officer.

**You have the right to have information about you corrected.**

You have the right to ask that your personal data is rectified if it is incorrect or incomplete. This will be done within 1 month, or if your request is complex, within 3 months.

**The right to have personal data erased** inspecific circumstances:

* Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed;
* If you withdraw your consent;
* When you object to the WG processing and there is no overriding legitimate interest for continuing the processing;
* If the personal data was unlawfully processed;
* When the personal data has to be erased in order to comply with a legal obligation; or
* When the personal data is processed in relation to the offer of information society services to a child, e.g. an app developed specifically for children.

**The right to restrict processing.** Where it is claimed that data is *inaccurate* or the *right to erasure* has been exercised you can require the WG to restrict processing until verification checks have been completed.

**The right to data portability**. Under certain circumstances, you have the right to obtain and reuse your personal data across different circumstances.

**The right to object**. In addition to the right to object to your information being used for direct marketing, you have the right to object to processing based on the performance of a task in the public interest/exercise of official authority (including profiling), and processing for purposes of scientific/historical research and statistics.

**The right to withdraw your consent** at any time if consent has been relied upon originally.

**Rights in relation to automated decision making.** You have the right not to be subject to decisions based solely on automated processing, including profiling, which produces legal effects on you or affects you in a significant way.

**Data Protection Officer:** The email address for the WG Data Protection Officer is [DataProtectionOfficer@gov.wales](mailto:DataProtectionOfficer@gov.wales)

If you wish to complain about the way that the WG has used your personal data contact the Data Protection Officer.

If you are not satisfied with their response you also have the right to contact the Information Commissioner: <https://ico.org.uk/concerns>.

**Information Commissioner’s Office**

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Telephone: 01625 545 745 or 0303 123 1113