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| Directorate of PlaceCivic OfficeWaterdaleDoncasterDN1 3BUEmail Applications to:HighwayLicences@doncaster.gov.uk | C:\Users\julieal\OneDrive - Doncaster Metropolitan Borough Council\Documents\5.  Web & Forms\logo.png |

**HIGHWAYS ACT 1980 – SECTION 171 APPLICATION**

 Please submit this form no less than 28 days prior to the works commencing

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| **Section 1 - Applicant (‘The Licensee’)**  |
| **Application Date**: Click or tap to enter a date. **Company Name:** Click or tap here to enter text.**Contact Name:** Click or tap here to enter text. **Email Address:** Click or tap here to enter text.**Company Address:**  **Telephone (office hours):** Click or tap here to enter text. Click or tap here to enter text.Click or tap here to enter text.Click or tap here to enter text. **Emergency Telephone (outside office hours):**Click or tap here to enter text.Click or tap here to enter text.Click or tap here to enter text.**Location for Licence:** (detailed location required i.e. at or distance from nearest named junction) Click or tap here to enter text. |
| **I/We hereby apply for permission to: (please tick)** |
| Deposit material on the highway [ ]  Temporarily use an area of the highway [ ] Build over the highway [ ]  Excavation of the Carriageway [ ]  |
| **If you are planning to excavate in the public highway (road, pavement or verge) please contact the Highway Network Management Team for further guidance telephone: 01302 735263** |
| **Reason For Licence:**  |
| **Brief description of proposed works**  (e.g. Deposit materials / other use of the highway)Click or tap here to enter text.Explanation of why the material/temporary use of the highway is required (e.g. no physical space on private property)Click or tap here to enter text.\*\*Please attach copy of Method Statement / Risk Assessment  |
| **Payment:** |
| **Fee For Licence**: **£237 for first month and each subsequent month thereafter is £76.50 per month**   |

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| **Section 2 - Contractors details:**  |
| Company Name: Click or tap here to enter text.Address: Click or tap here to enter text.Telephone (office hours):Click or tap here to enter text.24hr Emergency Contact Telephone Number: Click or tap here to enter text.Email Address: Click or tap here to enter text.Public Liability Insurance Cert No: Click or tap here to enter text. |
| **Accredited Personnel:** |
| Name of trained Operative Click or tap here to enter text. Card No: Click or tap here to enter text.(\*To be ***on site***) (attach copy)Name of trained Supervisor Click or tap here to enter text. Card No: Click or tap here to enter text. (\*M*ust be available if required*) (attach copy) |
| **Public Liability Insurance: (Must be up to the value of £10.000,000)**  |
| Certificate No: Click or tap here to enter text. Copy attached: Choose an item.  |

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| **Traffic Management Proposals:** |
| Please indicate the method of traffic management that will be used:Vehicles: Choose an item.How will pedestrians be catered for? Click or tap here to enter text.*\*Note: a separate application is required at least 6-8 weeks in advance for Traffic Management impacting on the carriageway. Please submit Cad drawing(s) and application form(s) to* *network.management@doncaster.gov.uk* *or contact same if advice needed. Forms are available at*  <https://www.doncaster.gov.uk/services/transport-streets-parking/application-forms-temporary-traffic-management> *or by request* |
| **Programme:** |
| Please indicate the proposed start date: **From:** Click or tap to enter a date. **To:** Click or tap to enter a date.. |
| **Declaration by Contractor:** |
| I declare that the authorised activity will be undertaken in accordance with the specification, conditions and traffic management plan by qualified operatives. Any road closure application has been applied for separately. I understand that I am responsible for signing and guarding and maintenance of the site in accordance with the current edition of *The Code of Practice for Safety at Street Works and Road Works.*I declare that my public liability insurance is current and operatives erecting any traffic management are competent and accredited under *The Code of Practice for Safety at Street Works and Road Works.*I have read and understood the Conditions and Guidance Notes provided to me and will adhere to all responsibilities, conditions and duties required by City of Doncaster Council.Signed: Click or tap here to enter text. Date: Click or tap to enter a date.Name: Click or tap here to enter text. Position: Click or tap here to enter text. |

**Checklist:**

* Public & Employers Liability Insurance Choose an item.
* Risk Assessment/Method Statement Choose an item.
* NRASWA Qualifications Choose an item.
* TM plan (Cad drawing) if required Choose an item.
* I have signed and dated the agreement Choose an item.

**Privacy Statement:**

**Personal details submitted on this form will be dealt with in line with data protection legislation. This statement sets out what you need to know about how they will be used by City of Doncaster Council. Processing of personal information provided by you is necessary for the processing of applications under Section 171 of the Highways Act 1980 and will be used to administer this application for a licence. Your information will be shared with internal council departments and it may be shared with agencies to prevent and detect fraud. The data collected on this form is retained for as long as we need it, after which we will securely delete the information.**

**More information on your rights and how City of Doncaster Council handles your information can be found on the Council’s website. You can also contact the Council’s Data Protection Officer at** **information.governance@doncaster.gov.uk** **for more information.**

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| **APPROVAL/REFUSAL (To be completed by City of Doncaster Council Staff only)** |
| This application is approved/refused for the following reason(s):Click or tap here to enter text.Signed: Click or tap here to enter text.Name: Click or tap here to enter text.(on behalf of The Traffic Manager) |
| Earliest Start date: Click or tap to enter a date.(\*Date to be entered by City of Doncaster Council staff following co-ordination checks) |
| Site inspection in advance of works: Name Click or tap here to enter text. Date Click or tap to enter a date. |
| Comments/Conditions: (Record obvious defects to highway with photographs)Click or tap here to enter text. |
| Site inspection following completion: Name Click or tap here to enter text. Date Click or tap to enter a date. |
| Comments: (e.g. Remedial works required)Click or tap here to enter text. |

**\*\*Important: - Please fully read all the information within this document as you will be bound to the conditions within it.**

1. CITY OF DONCASTER COUNCIL in exercise of the powers under Section 171 of *The Highways Act 1980* hereby consent to you, permission to (deposit building materials on) (making an excavation) (storing cabins or vehicles) (or the temporary use an area) within the adopted highway being maintainable at public expense, subject to the following conditions:-
	1. **The said materials / cabin /excavation / area of temporary use shall be subject to the below conditions:-**
	2. Permission required from the Council to attach any item / apparatus to any Council Street furniture
	3. at night (i.e. between sunset and sunrise) the said (materials) (excavation) (area of temporary use) shall be properly signed, fenced and lit in accordance with the provisions of the current edition of *Chapter 8 of the Traffic Signs Manual* published by the Department of Transport / *The Code of Practice for Safety at Street Works and Road Works.*
	4. the (deposit of materials) (excavation) shall be carried out expeditiously in a workmanlike manner and shall cause the minimum amount of interference and inconvenience to the general public being users of the highway and to the owners and occupiers of property adjoining such deposit or excavation. (The surface water drainage of the highway must not be impeded or the access to any manhole or apparatus of any statutory undertaker)
	5. On completion of the works all materials and rubbish are to be removed and the site left clean and tidy, permanent reinstatements being guaranteed for a period of two years.
	6. The Licensee is responsible for the protection of all existing mains and cables within the area excavated and must provide any necessary supports etc., required for the protection of such mains and cables. If any damage is caused to such mains or cables the Council and Statutory Undertakers concerned must be notified at once.

* 1. The expenses incurred in repairing any such damage caused as a result of the (excavation) in the highway is the Licensee’s responsibility.(Please note an out of hours telephone number must be given in case of an emergency involving the associated works)
	2. The Licensee must give notice to the Council of any intention to (make an excavation) within the highway. At least one month (28 days) before the proposed (excavation) notice should be given of a 7 day period in which (the deposit)(the excavation) is proposed to start. Seven days prior to the start date this should be confirmed. Additionally, the Council must be informed when the excavation is at the following stages:-
1. upon commencing the works (by telephone or email),
2. upon completing the backfilling (by telephone or email)
3. upon completing the works whether interim or permanent (by telephone within 24 hours and in writing within 7 days) in order that inspections can be made.
	1. Should any Statutory Undertaker, on being notified by the Licensee of the proposals make any requirement for the protection of their apparatus then the Licensee shall abide by these requirements.

1.9 (1) The Licensee shall indemnify the Council up to the value of £10,000,000 against any claim in respect of injury, damage or loss arising out of:-

1. the (depositing of building materials) (making of excavations) (temporary use an area) in the highway to which the Licence relates: and

1. the execution by any person of any works authorised by the Licence

and the Licensee shall indemnify the Council against any claim in respect of injury, damage or loss arising out of the execution by the Authority or the Licensee of any works involving the (making safe of the works in the highway)

(2) The liability of a Licensee under this heading arises:-

1. Whether or not the damage or loss is attributable to negligence on their part or on the part of any person for whom they are responsible; and
2. Notwithstanding that they are acting in pursuance of a statutory requirement.

(3) However, their liability does not extend to damage or loss which is attributable to misconduct or negligence on the part of:-

1. the Council or a person for whom the Council is responsible: or
2. a third party, that is, a person for whom neither the Licensee nor the Council are responsible.

(4) For the purpose of this condition the persons for whom a person is responsible are his contractors and any person in his employ or that of his contractors.

(5) For the purpose of paragraphs 1 and 2 of this condition the Licensee shall before completion of the Licence produce a certificate of insurance with cover for ten million pounds in respect of any claim for injury, damage or loss, plus additional conditions as required

DATED this Click or tap here to enter text. day of Click or tap here to enter text. 20Click or tap here to enter text.

 Signed: Click or tap here to enter text. **LICENSEE**

 Signed David Snell

Head of Service • Place

**TAKE NOTE THAT:**

**Section 171 of the Highways Act requires that:**

171. (1) A person may, with the consent of the highway authority for a street that is a highway maintainable at public expense, temporarily deposit building materials, rubbish or other things in the street or make a temporary excavation in it.

(2) A highway authority may give their consent under subsection (1) above subject to such conditions as they think fit including in particular, without prejudice to the generality of the foregoing, conditions for preventing damage or ensuring access to apparatus of statutory undertakers.

(3) A person aggrieved by the refusal of consent under subsection (1) above, and a person to whom such a consent is given subject to conditions, may appeal to a magistrates’ court against the refusal or, as the case may be, the conditions.

(4) It is the duty of a person who makes such a deposit or excavation as is mentioned in subsection (1) above to comply with any directions given to him in writing by the highway authority with respect to the erection and maintenance of traffic signs in connection with the deposit or excavation.

(5) Where a person places any building materials, rubbish or other things in, or makes an excavation in, a street he shall:-

* + 1. cause the obstruction or excavation to be properly fenced and during the hours of darkness to be properly lighted, and
		2. if required so to do by the highways authority for the street or, in the case of a street that is not a highway, by the local authority in whose area the street is situated, remove the obstruction or, as the case may be, fill in the excavation, and in any case he shall not allow the obstruction or excavation to remain in the street longer than is necessary.
1. A person who:-
	1. without reasonable excuse contravenes any condition subject to which a consent is given to him under subsection (1) above, or
	2. without reasonable excuse fails to perform the duty imposed on him by subsection (4) above, or

* 1. fails to perform a duty imposed on him by subsection (5) above, is guilty of an offence and liable to a fine (or other sanctions) for each day of the offence

The liability of any person to a fine under this subsection by virtue of paragraph (b) or (c) above is without prejudice to any other liability to which he may be subject apart from this sub section.

1. Where an offence under this section by virtue of subsection (6) (c) above is committed in a street, the highway authority for the street, or in the case of a street that is not a highway, the local authority in whose area the street is situated, may remove the obstruction or, as the case may be, fill in the excavation and recover the expenses reasonably incurred by them in so doing from the person convicted of the offence.

**TAKE NOTE ALSO THAT:**

* + - 1. The consent granted by the Licence only applies to works within the highway. If the proposed works extend outside the limits of the highway, permission must be sought from the owners of the affected land before work is commenced.
			2. a minimum of 28 days’ notice must be given by the applicant for a Licence to the Council in order that the Council may give not less than 10 working days’ notice to each of the following:-
		1. where the (excavation) are likely to affect a public sewer, to the sewer authority;
		2. where the (excavation) are to be executed in a part of a street which is carried or crossed by a bridge vested in a transport authority, or crosses or is crossed by any other property held or used for the purpose of a transport authority to that authority;
		3. where in any other case the part of the street in which the (excavation) are to be executed is carried or crossed by a bridge, to the bridge authority;
		4. to any person who has given notice under Section 54 of the *New Roads and Street Works Act 1991* (advanced notice of certain works) or his intention to execute street works which are likely to be affected by the (excavation) to which the Licence relates; and
		5. to any other person having apparatus in the street which is likely to be affected by the (deposit of materials)(excavation) (temporarily use an area) of highway but a failure by the Council to do so does not affect the validity of the Licence.

3. Notwithstanding the above, at least one month before the proposed commencement of the

 (excavation) the Licensee should contact all other undertakers to ascertain whether their

 existing or proposed apparatus within the highway is likely to be affected by the works. The

 Licensee shall abide by the requirements of any Statutory Undertaker to the protection of

 their apparatus.

4 The Council under Section 61 of the *New Roads and Street Works Act 1991* have

 designated specials roads as protected streets, under Section 63 and Schedule 4 of the Act

 have designated streets with special engineering difficulty; and under Section 64 of the Act

 have designated certain streets (or parts of streets) as traffic sensitive. All such designations

 will have implications for the Licence or for the timing of the works. Lists of designated

 streets are available for inspection within the Directorate of Neighbourhoods and

 Communities where application should be made to inspect.

5. Under Section 56 of the *New Roads and Street Works Act 1991*, the Council has the power

 to serve a direction setting out time during which proposed street works may, or may not, be

 carried out where the proposed works are likely to cause serious traffic disruption which

 would be avoided or reduced if the works were to be carried out at specific times.

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