
Licence to Owner and Successors

**LICENCE TO PLACE AND/OR RETAIN APPARATUS IN THE STREET
NEW ROADS AND STREET WORKS ACT 1991**

Permit No: P5050

1. **CUMBERLAND COUNCIL** ("the Authority") as Street Authority for the Street (description), **name of the street** ("the Street") hereby grants to **applicant** ("the Licensee"), of **their address** a Licence under Section 50 of the New Roads and Street Works Act 1991 ("the 1991 Act") with the intent that the same shall benefit and run with the land described as **actual location of works** to place and/or to retain the apparatus described as **description of** ("the Apparatus"), in the Street in the position shown on the attached plan and to inspect, maintain, adjust, repair, alter or renew the apparatus, to change its position or to remove it and to execute for these purposes, any works required for or incidental to such works including breaking-up or opening the Street or any sewer, drain, tunnel under it, or tunnelling or boring under the Street (such works hereinafter together called "the Street Works") upon the terms and subject to the conditions specified in this Licence document SWL3 and subject also to the conditions contained in the said Section 50.
2. The Licence is granted to the owner of the land and/or apparatus and their successors in title and where the Licensee proposes to part with their interest in the land and/or apparatus they must before doing so give written notice to the Street Authority stating to whom the benefit of the Licence is to be transferred and when this is to occur by completing a transfer notice and obtaining the signature of the new owner.

If the Licensee wishes to cease using or abandon the Apparatus, he has a statutory obligation to give the Street Authority at least 8 weeks written notice.

The Licensee must obtain prior written consent of the Street Authority to any assignment of the Licence.

3. CONDITIONS

The Licensee's contractor shall conduct all the relevant works in accordance with the requirements of the 1991 Act and the relevant regulations made there under and Codes of Practice.

4. PUBLIC LIABILITY INSURANCE

- a) The Licensee shall indemnify and keep indemnified the Street Authority, its servants, and agents from and against any actions, costs, claims, demands, proceedings, or charges in respect of injury, damage or loss arising out of
 - i) the placing or presence in the street of the apparatus to which the Licence relates or
 - ii) the execution by any person of any street works authorised by the Licence
 - iii) the execution by the Street Authority of any necessary works due to the default of the Licensee
 - iv) the execution by the Street Authority or the Licensee of any works under Clause 6 of this Licence document SWL3.
- b) Where a temporary road closure is required, the Licensee shall also indemnify the Street Authority in respect of all costs reasonably incurred in consequence of the use by the traffic diverted from the street to a highway of lower classification in making good any damage to it that occurs and, in some cases, strengthening in advance that highway to limit the damage.
- c) **The Licensee must indemnify the Street Authority against any claim made by a third party in respect of injury, damage or loss arising out of the placing or presence of the apparatus in the highway. The Licensee must ensure that any contractor carrying out works must have an up-to-date policy of public liability insurance with a limit of indemnity of not less than £5,000,000 (FIVE MILLION POUNDS) in relation to any one claim or series of claims without limit on the number of claims in any one year or other period. In the event of any action or claim by a third party, the Street Authority will seek to recover its costs in full from the Licensee. Without any Public Liability Insurance, the Licensee will be personally responsible and his/her property and possessions may be at risk. Thus, we strongly recommend that prior to works commencing that you request a copy of the insurance policy referred to above to demonstrate that the public liability insurance is in place.**

5. COSTS

- a) The Licensee shall pay to the Street Authority: £410.00

This includes the sum of £300 in respect of inspection fees for up to 200 metres of trench excavation for the Street Works permitted by the Licence. (This

element of the fee may be repeated for each part or full increment of 200 metres).

- b) In the event of the reinstatement being unsatisfactory, additional charges will be made to the contractor for defect inspections (standard fee £47.50 per inspection) and investigatory work (at cost).
- c) In the event of the street works being unreasonably prolonged a standard S74 overrun charge will be made to the contractor.
- d) Additional costs may be charged if a bridge crossing is involved.

6. REMOVAL OF THE APPARATUS

In accordance with the provisions of Schedule 3 paragraph 7 of the 1991 Act: -

- a) Where a Licence expires or is withdrawn or surrendered the Street Authority may remove the Apparatus to which the Licence relates or may alter it in such a manner as they think fit and reinstate the street and may recover from the former Licensee the expenses incurred by them in so doing.
- b) Where it is satisfied that the former Licensee can within such reasonable time as the Street Authority may specify remove the Apparatus or alter it in such a manner as it may require and reinstate the street the Street Authority may authorise the former Licensee to do so at his own expense.

7. CONSENT FROM OWNERS OF LAND

The Licence does not confer any right on the Licensee, as against the owners of land on which the highway is situated, to use the land. The Licensee must make his own arrangements with such owners in cases where their consent is needed.

8. DEFINITIONS

Licensee	shall include the Successor in Title, the Personal Representative, Receiver, Liquidator or Trustee of the Licensee
Former Licensee	this is the person who immediately before the expiry, withdrawal or surrender of the Street Works Licence was the Licensee

Street shall include and apply to each street where the works are taking place.

9. AUTHORISATION

The Licence hereby granted shall remain in force unless it is surrendered to the Street Authority by the Licensee, or it is withdrawn by the Street Authority under section 50 of the New Roads and Street Works Act 1991.

Signed by the Licensee

Print Name

In the presence of

Print Name

Signed on behalf of Cumberland Council

Print Name

In the presence of

Print Name

Dated the 2023