

SCHEDULE 23

Statutory Functions

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Statutory Functions

Part 1

Authorised Highway Functions

Section A

Functions conferred by the Highways Act 1980 or any regulations under any provision of that Act

1. Subject to paragraph 5 of this Section A, functions conferred on the Authority as Highway Authority for a highway in relation to that highway or to highway connected land, by or under any of the following provisions of the 1980 Act listed in the Section numbers (subject to any limitation on such delegations specified):

Item	Section No.	Section Description	Limitation on Delegation
1.1	Section 41(1) & Section 41 (1A)	(Highway Authority's duty to maintain highway maintainable at public expense).	
1.2	Section 62	(General power of improvement).	The carrying out of improvements is subject to the approval of the Authority in accordance with clause 35.4.
1.3	Section 64	(Dual carriageways and roundabouts).	The carrying out of construction and works is subject to the approval of the Authority in accordance with clause 35.4.
1.4	Section 66	(Provision of footways and guard-rails etc. for publicly maintainable highways).	The carrying out of works is subject to the approval of the Authority in accordance with clause 35.4.
1.5	Section 68	(Refuges).	The carrying out of construction and works is subject to the approval of the Authority in accordance with clause 35.4.

Item	Section No	Section Description	Limitation on Delegation
1.6	Section 69(1)	(Highway Authority's powers to construct, light, etc. subways).	The carrying out of construction or works to a subway is subject to the approval of the Authority in accordance with clause 35.4.
1.7	Section 70	(Footbridges over highways).	The carrying out of construction or works to a footbridge is subject to the approval of the Authority in accordance with clause 35.4.
1.8	Section 71	(Margins for horses and livestock).	
1.9	Section 75(1) and (2)	(Highway Authority's powers to vary widths of carriageways and footways).	The carrying out of the function is subject to the approval of the Authority in accordance with clause 35.4.
1.10	Section 76	(Levelling of highways).	The carrying out of the function is subject to the approval of the Authority in accordance with clause 35.4.
1.11	Section 77	(Alteration of levels).	The carrying out of the function is subject to the approval of the Authority in accordance with clause 35.4.
1.12	Section 78	(Cutting off of corners).	The carrying out of the function is subject to the approval of the Authority in accordance with clause 35.4.
1.13	Section 80(1), (2), and (3)	(Power to fence highways).	Any erection, alteration or removal of posts and fences is subject to the approval of the Authority in accordance with clause 35.4.
1.14	Section 81	(Provision of highway boundary posts).	Any erection, alteration or removal of highway posts or stones is subject to the approval of the Authority in accordance with clause 35.4.
1.15	Section 84	(Maintenance of cattle-grids and by-passes).	
1.16	Section 90	(Protection of bridges and railways).	Any exercise of the function is subject to the approval of the Authority in accordance with clause 35.4.
1.17	Section 90G	(Traffic calming works).	Any construction is subject to the approval of the Authority in accordance with clause 35.4.

Item	Section No.	Section Description	Limitation on Delegation
1.18	Section 92	(Reconstruction of bridge maintainable at public expense).	Any exercise of the function is subject to the approval of the Authority in accordance with clause 35.4.
1.19	Section 96	(Powers of highway and local authorities to plant trees, lay out grass verges etc.).	
1.20	Section 97	(Lighting of highways).	
1.21	Section 99	(Metalling of highways).	Any exercise of the function is subject to the approval of the Authority in accordance with clause 35.4.
1.22	Section 100(1), (2), (3), (4), (5) and (6)	(Highway Authority's powers and duties relating to drainage of highways) except insofar as they relate to the power to enter premises under section 168 of the Water Industry Act 1991 (entry for works purposes).	Any construction or works is subject to the approval of the Authority in accordance with clause 35.4.
1.23	Section 101(1), (2), (3), (4), (5), and (6)	(Power to fill in roadside ditches etc.).	The performance of any works is subject to the approval of the Authority in accordance with clause 35.4.
1.24	Section 102(1), (2) and (3)	(Provision of works for protecting highways against hazards of nature).	The performance of any works is subject to the approval of the Authority in accordance with clause 35.4.
1.25	Section 103	(Provision of posts to indicate depth of flood water).	Any performance of the function is subject to the approval of the Authority in accordance with clause 35.4.
1.26	Section 114	(Provision of public conveniences by county council for users of roads for which they are the Highway Authority).	Any exercise of the function is subject to the approval of the Authority in accordance with clause 35.4.
1.27	Section 133	(Damage to footways of streets by excavations).	
1.28	Section 139(1) and (2)	(Prohibition on deposit of builders' skips without permission of the Highway Authority).	

Item	Section No.	Section Description	Limitation of Delegation
1.29	Section 140(2)	(Removal of builders' skips).	
1.30	Section 141(2)	(Highway Authority's power by notice to require removal of tree or shrub in or near carriageway).	
1.31	Section 144(4)(b)	Power of Local Authority to erect flag poles on the highway	
1.32	Section 150(1), (2) and (4)	(Highway Authority's duty to remove snow, soil etc. from highway) except insofar as they relate to an obstruction in a highway which is the property of any person.	
1.33	Section 167(2), (5) and (6)	(Consultation with Highway Authority and local authority's power to give notices in relation to retaining walls near streets).	
1.34	Section 169(1), (2), (3) and (4)	(Power of Highway Authority to license, and give directions in relation to, scaffolding or other structures obstructing the highway).	
1.35	Section 171	(Control of deposit of building materials and making of excavations in streets) except insofar as functions conferred by or under section 171(7) relate to the removal of property of any person.)	
1.36	Section 178(1)	(Prohibition on placing rails, beams etc. over highways without consent of the Highway Authority).	

2. Subject to paragraph 5 of this Section A, functions conferred on a local Highway Authority by or under Section 288 of the 1980 Act (power to require gas and water pipes to be moved) insofar as that provision applies to the exercise of any other function listed in Part 1 of schedule 23 (*Statutory functions*) provided that the exercise of the function is subject to the approval of the Authority in accordance with clause 35.4.

3. Subject to paragraph 5 of this Section A, functions conferred on a local Highway Authority as competent authority, by virtue of its being a Highway Authority for a highway, by or under any of the following provisions of the 1980 Act listed in the Section numbers subject to any limitation on such delegations specified:

Item	Section No.	Section Description	Limitation on Delegation
3.1	Section 143(1)	(Competent authority's power to give notice requiring removal of structures from highways).	
3.2	Section 154(1) and (2)	(Competent authority's power to give notice requiring removal of overhanging hedge, tree or shrub).	
3.3	Section 185	(Competent authority's power to install etc. refuse or storage bins in streets).	Delegation only of function to provide and maintain bins or other receptacles for the storage of sand, grit and other materials.

4. Functions conferred on a local Highway Authority as Highway Authority for a highway by or under the following provisions of the Walkway Regulations 1973 listed in the Regulation numbers subject to any limitation on such delegation specified:

Item	Regulation	Regulation Description	Limitation on Delegation
4.1	Regulation 3(1)	(Prohibition on exercise of certain powers conferred on Highway Authority in relation to walkways without consent of building owner).	Any exercise of the function is subject to the approval of the Authority in accordance with clause 36.4.
4.2	Regulation 4(1)	(Prohibition on placing etc. of apparatus of statutory undertakers without consent of Highway Authority and building owner).	
4.3	Regulation 5(3)	(Prohibition on temporary closure of walkway until expiry of a specified period from the date of notice to the Highway Authority and others).	
4.4	Regulation 6	(Stopping up of walkway by building owner).	

5.

5.1 Paragraphs 1 to 3 of this Section A shall not include:

5.1.1 any functions conferred by or under section 294 of the 1980 Act (entry etc., of premises by Highway Authority or Authority for certain purposes); or

5.1.2 any function to the extent that the function confers a power or right of entry into or on any premises or land of which the local Highway Authority is not the owner or occupier.

5.2 Where section 338 or 339 of the 1980 Act (saving for works, etc., of dock, harbour and canal undertakers and saving for works etc. of drainage authorities etc.) applies to the exercise of any functions listed in paragraphs 1 to 3 of this Section A, those functions shall be construed as including any additional requirements imposed by those sections.

Section B

Functions conferred by NRSWA or regulations under any of provision of NRSWA

1. Functions conferred on the Authority as Street Authority by or under any of the following provisions of NRSWA:
 - 1.1 Section 53 (the street works register);
 - 1.2 Section 54(1), (4), (4A) and (4B) (advance notice of certain works);
 - 1.3 Section 55(1), (4) and (8) (notice of starting date of works);
 - 1.4 Section 56(1), (1A) and (4) (Power to give directions as to the timing of street works);
 - 1.5 Section 57(2) (Notice of emergency street works);
 - 1.6 Section 58 (restriction on works following substantial road works);
 - 1.7 Section 58A and Schedule 3A, paragraphs 1(1), 2(1) and (4), 3(1) and 4(1), (6), (8), (9), and (10) and 5(2)(b) and (3) (restrictions on works following substantial street works);
 - 1.8 Section 59 (general duty of Street Authority to co-ordinate works);
 - 1.9 Section 60(1) (general duty of undertakers to co-operate);
 - 1.10 Section 61 (protected streets) except for sub-paragraph (b) in the second paragraph of sub-section (1);
 - 1.11 Section 65(5) (safety measures);
 - 1.12 Section 66(3) and (4) (avoidance of any unnecessary delay or obstruction);
 - 1.13 Section 68(1) (facilities to be afforded to street authority);
 - 1.14 Section 70(3) and (4A) (Duty of undertaker to reinstate);
 - 1.15 Section 72 (powers of Street Authority in relation to reinstatement);
 - 1.16 Section 75 (inspection fees);

- 1.17 Section 81 (duty to maintain apparatus);
 - 1.18 Section 82(1) (Liability for damage or loss caused);
 - 1.19 Section 87(4) (Prospectively maintainable highways); and
 - 1.20 Section 94(1) and (2) (power of Street Authority or District Council to undertake street works).
2. Functions conferred on the Authority as Traffic Authority by or under Section 65(2) of NRSWA (Statutory Undertaker to comply with directions given by Traffic Authority).
 3. Functions conferred on the Authority as a relevant authority other than a Street Authority by or under the following provisions of NRSWA:
 - 3.1 Section 81 (duty to maintain apparatus) and
 - 3.2 Section 82(1) (liability for damage or loss caused).
 4. Functions conferred on the Authority as Highway Authority or as Bridge Authority for a bridge by or under the following provisions of NRSWA:
 - 4.1 Section 83 (Works for Road Purposes likely to affect apparatus in the street);
 - 4.2 Section 84(1), (3) and (4) (measures necessary where Apparatus affected by major works);
 - 4.3 Section 85(1) and (3) of NRSWA (sharing cost of necessary measures); and
 - 4.4 Section 88(4) and (5) (bridges, bridge authorities and related matters).
 5. Functions conferred on the Authority as responsible authority by or under Section 90 of NRSWA (provisions as to reinstatement of sewers, drains or tunnels).
 6. Functions conferred on the Authority as Street Authority for a street by or under Regulation 3 of the Street Works (Inspection Fees) (England) Regulations 2002 (SI 2002/2092) (undertaker required to pay the Street Authority a fee for each chargeable inspection carried out by the Street Authority in England).

7. Functions conferred on the Authority as Street Authority by or under Regulation 3 of the Street Works (Reinstatement) Regulation 1992 (SI 1992/1689), (Street Authority's power to give notice affecting the standard of reinstatement required).
8. Functions conferred on the Authority as Highway Authority or as Bridge Authority by or under any provision of the Street Works (Sharing of Cost of Works) (England) Regulations 2000 (SI 2000/3314).
9. Functions conferred on the Authority as Street Authority for a street under Regulation 3 and 4 of the Street Works (Maintenance) Regulations 1992 (SI 1992/1691) (Street Authority's power to execute works to enable it to inspect Statutory Undertaker's apparatus and to execute any emergency works needed).
10. Functions conferred on the Authority as Street Authority or as Highway Authority or as Bridge Authority by or under any of the following provisions of the Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 (SI 2007/1951).
 - 10.1 Regulation 4(4) and (5) (street works register);
 - 10.2 Regulation 6 (manner of service of notices);
 - 10.3 Regulation 7 (manner of service of copy notices);
 - 10.4 Regulation 9(1), (2) and (3) (notice of starting date of works);
 - 10.5 Regulation 10(1) and (2) (procedure for giving directions under Section 56 or 56A);
 - 10.6 Regulation 11(3), (5) and (9) (restriction on works following substantial road works);
 - 10.7 Regulation 12(3), (4) and (7) (restrictions on works following substantial street works);
 - 10.8 Regulation 14(3) (designation of streets as protected);
 - 10.9 Regulation 15(3) (designation of streets as having special engineering difficulties);
and
 - 10.10 Regulation 16(6) (designation of streets as traffic sensitive).

11. Functions conferred on the Authority as Highway Authority for a street under the Street Works Register (Registration Fees) Regulations 1999 (SI 1999/1048.) (undertaker to pay the appropriate highway authorities a fee on the registration of prescribed information).
12. Functions conferred on the Authority as the Street Authority for a street in England under Regulation 5(1) or (6) of the Street Works (Fixed Penalty) (England) Regulations 2007 (SI 2007/1952) (Manner of service of a fixed penalty notice or a notice withdrawing a fixed penalty notice).
13. Functions conferred on the Authority for a highway under any provision of the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway (England) Regulations 2001 (SI 2001/1281).
 - 13.1 Regulation 4 (notices);
 - 13.2 Regulation 5(1) (prescribed charges and prescribed periods);
 - 13.3 Regulation 6 (estimates of duration of works); and
 - 13.4 Regulation 7 (further and revised estimates of duration of works).

Section C

Functions Conferred By Miscellaneous Enactments

1. Functions conferred on the Authority as Highway Authority for a highway by or under Section 153 of the Public Health Act 1875 (power to require gas and water pipes to be moved) provided that the exercise of the function is subject to the approval of the Authority in accordance with clause 36.4.
2. Functions conferred on the Authority as Highway Authority for a highway by or under Section 14 of the Public Health Act 1925 (public drinking fountains, seats, etc. in streets).
3. Functions conferred on the Authority by or under Section 5(1) and (2) of the Local Government (Miscellaneous Provisions) Act 1953 (consents to exercise of powers under section 4 (provision of omnibus shelters etc.)).
4. Functions conferred on the Authority under section 5(1) and (2) of the Parish Councils Act 1957 (provisions as to consents and access).
5. Functions conferred on the Authority as Highway Authority for a highway by or under the following provisions of the Public Health Act 1961:
 - 5.1 Section 45 (attachment of street lamps to buildings); and
 - 5.2 Section 81 (summary recovery of damages for negligence).
6. Functions conferred on the Authority by or under Section 5(6) of, and Schedule 1 to, the Litter Act 1983 (litter bins in England and Wales).
7. Functions conferred on the Authority as Highway Authority for a highway by or under Section 72(1) of the Road Traffic Regulation Act 1984 (powers exercisable by parish or community councils).
8. Functions conferred on the Authority as Highway Authority for a highway by or under Sections 4 and 5(1) (compensation) of the Cycle Tracks Act 1984 (provision of barriers in cycle tracks etc.).

SCHEDULE 23

Statutory Functions

Part 2

Services in relation to the Authority's functions

1. The Service Provider shall perform the services set out in Part 2 in respect of the Project Facilities in relation to functions conferred on the Authority under NRSWA:
 - 1.1 Section 50:
 - 1.1.1 advise the Authority on the granting of Street Works Licences, including commenting on the draft, and the preparation for issue by the Authority of such licences in such form as the Authority may from time to time authorise, such licences not to inure beyond the Contract Period; and
 - 1.1.2 agree with the Authority the reasonable fee to be charged in relation to the issue of a Street Works Licence and then assist the Authority in recovering from the licensee the amount of such fee provided that the fee shall be retained by the Authority;
 - 1.2 Section 51(4):
 - 1.2.1 prepare for issue by the Authority appropriate notices and advise the Authority on the necessity for the same;
 - 1.2.2 if the person responsible fails to comply with such notice the Service Provider shall, if required by the Authority, arrange the removal of unauthorised apparatus from the Project Facilities or the reinstatement, the street or any sewer, drain or tunnel;
 - 1.2.3 assist the Authority in recovering the costs of such removal from the person responsible. The Service Provider shall retain any costs recovered.
 - 1.3 Section 57(2):
 - 1.3.1 receive notices of emergency works; and

- 1.3.2 copy such notices to the keeper of the Street Works Register and to the Authority's nominee;
- 1.4 Section 60(2):
 - 1.4.1 advise the Authority on steps which need to be taken in consequence of a Statutory Undertaker failing to comply with Section 60(1); and
 - 1.4.2 preparing for issue, by the Authority, of appropriate notices.
- 1.5 Section 62:
 - 1.5.1 advising the Authority on the issue of a notice under Section 62(2), to remove or change the position of apparatus and drafting such notice;
 - 1.5.2 advising the Authority on the issue of appropriate directions under 62(3) and (4), and drafting such directions;
 - 1.5.3 participate in or if so instructed by the Authority conduct any arbitration under Section 62(5);
- 1.6 Section 74:
 - 1.6.1 receive notices from Statutory Undertakers where duration of works will exceed prescribed period pursuant to Section 74(3).
 - 1.6.2 advise the Authority on and prepare for issue by the Authority appropriate notices objecting to Statutory Undertakers' estimates pursuant to Section 74(3);
 - 1.6.3 receive revised estimates from Statutory Undertaker where works are likely to exceed the prescribed period pursuant to Section 74(4).
 - 1.6.4 advise the Authority on and prepare for issue by the Authority appropriate notices objecting to the estimate pursuant to Section 74(4);

- 1.6.5 agree with the Authority the fee to be charged to Statutory Undertakers in accordance with the Street Works (Charges for Unreasonably Prolonged Occupation of the Highway)(England) Regulations 2001 for the occupation of the Project Facilities where works carried out by Statutory Undertakers have been unreasonably prolonged; and
- 1.7 Section 76: agree with the Authority the costs incurred in connection with making an order or issuing an order under Section 14 Road Traffic Regulation Act 1984 which are to be charged to Statutory Undertakers;
- 2.
- 2.1 Words and expressions used in Part 2 and defined in schedule 1 or clause 37 (*Authority Statutory Powers*) shall have the same meaning as is ascribed to them in such clauses;
- 2.2 "**Bridge Authority**" has the meaning given in Section 88(1)(b) of NRSWA;
- 2.3 "**Highway Authority**" has the same meaning as ascribed in section 1(2) of the 1980 Act; and
- 2.4 "**Traffic Authority**" has the meaning given in Section 121A of the Road Traffic Regulation Act 1984.

SCHEDULE 23

Statutory Functions

Part 3

Further Services in relation to the Authority's functions

1. If the 2009 Order or any replacement order shall cease to be effective in respect of one or more of the Authorised Functions then the Service Provider shall carry out the corresponding services in relation to that Authorised Function conferred on the Authority as Street Authority under any of the following provisions of NRSWA:
 - 1.1 Section 53:
 - 1.1.1 provide to the keeper of the Street Works Register such information as may be prescribed pursuant to Section 53 and such other information of which it becomes aware which is eligible for registration; and
 - 1.1.2 make such payment or payments as the Secretary of State for Transport may require in relation to the Project Facilities pursuant to Section 53(5);
 - 1.2 Section 54(1):
 - 1.2.1 receive the prescribed advance notice of works from Statutory Undertakers; and
 - 1.2.2 copy such notices to the keeper of the Street Works Register and to the Authority's nominee;
 - 1.3 Section 54(4):
 - 1.3.1 prepare for issue by the Authority appropriate directions to be given to Statutory Undertakers relating to the provision of information and other procedural steps necessary for the co-ordination of the Statutory Undertakers' proposed works; and
 - 1.3.2 advise the Authority on the necessity for the same;

- 1.4 Section 55(1):
 - 1.4.1 receive notices of starting date of works; and
 - 1.4.2 copy such notices to the keeper of the Street Works Register and to the Authority's nominee;
- 1.5 Section 55(4): prepare for issue by the Authority appropriate consents to be given to the Statutory Undertakers and advise the Authority on the necessity for the same;
- 1.6 Section 56(1) and (4):
 - 1.6.1 prepare for issue by the Authority appropriate directions as to the timing of street works to comply with the Codes of Practice; and
 - 1.6.2 advise the Authority on the necessity for the same;
- 1.7 Section 58:
 - 1.7.1 prepare for issue by the Authority appropriate notices to be given restricting street works following substantial road works and advise the Authority on the necessity for the same;
 - 1.7.2 prepare for issue by the Authority appropriate consents to be given to the Statutory Undertakers pursuant to Section 58(5)(b) and advise the Authority on the necessity for the same;
 - 1.7.3 advise the Authority on reinstatement of the highway pursuant to Section 58(6) following unauthorised works; and
 - 1.7.4 advise the Authority on costs incurred in reinstating the highway and assist the Authority in recovering such sums from the Statutory Undertakers;
- 1.8 Sections 59:
 - 1.8.1 without prejudice to the provisions of clause 35.16 (Delegation of Statutory Functions), advise the Authority with regard to the co-ordination of the execution of works of all kinds affecting the Project Facilities in the manner set out in Sections 59(1)(a), (b) and (c);

- 1.8.2 advise the Authority with regard to the steps necessary to ensure co-ordination with other Street Authorities pursuant to Section 59(2);
 - 1.8.3 supply to the Authority any information required by the Secretary of State for Transport pursuant to Section 59(4);
 - 1.8.4 assist the Authority in taking any steps directed by the Secretary of State for Transport pursuant to Section 59(5) or 59(6);
- 1.9 Section 61:
- 1.9.1 prepare for issue by the Authority appropriate consents pursuant to Section 61(1) and advise the Authority on the necessity for the same;
 - 1.9.2 agree with the Authority the appropriate fee to be paid by the Statutory Undertaker to the Authority pursuant to Section 61(3) and then assist the Authority in recovering such fees from the Statutory Undertakers;
 - 1.9.3 advise the Authority on placing conditions upon its consent and on contributing to expenses under Section 61(5); and
 - 1.9.4 participate in or if so instructed by the Authority conduct any arbitration under Section 61(6);
- 1.10 Section 65(5):
- 1.10.1 advise the Authority if a Statutory Undertaker has failed to comply with Section 65(1) or (2) and advise on steps which need to be taken in consequence; and
 - 1.10.2 advise the Authority on costs incurred in taking such steps and assist the Authority in recovering such costs from the Statutory Undertaker;
- 1.11 Section 66:
- 1.11.1 prepare for issue by the Authority appropriate notices to be given to Statutory Undertakers requiring them to take steps to mitigate or discontinue obstructions and advise the Authority on the necessity for the same; and

- 1.11.2 advise the Authority if Statutory Undertakers fail to comply with notices served under Section 66(3) and advise on steps which should be taken in consequence. Assist the Authority in recovering costs incurred in consequence of the Statutory Undertakers' failure;
- 1.12 Section 68(1): carry out such inspections or investigatory works on the Project Facilities as may be necessary to ascertain whether Statutory Undertakers have complied with their duties under NRSWA provided always that no charge will be made for any Sample Inspections;
- 1.13 Section 70:
 - 1.13.1 receive notices from Statutory Undertakers pursuant to Sections 70(3) and (4); and
 - 1.13.2 supply copies to the Authority's nominee;
- 1.14 Section 72:
 - 1.14.1 carry out such investigatory works as may be necessary to ascertain whether Statutory Undertakers have complied with their duties with respect to reinstatement and advise the Authority accordingly;
 - 1.14.2 prepare for issue by the Authority appropriate notices pursuant to Section 72(3) and advise the Authority on the necessity for the same; and
 - 1.14.3 advise the Authority on the necessity to carry out works pursuant to Sections 72 (3) and (4). If required by the Authority, arrange the carrying out of such works and notify the Authority of the costs of such works. Assist the Authority in recovering such costs from the Statutory Undertakers. In such circumstances prepare for issue by the Authority appropriate notices pursuant to Section 72(4);
- 2. If the 2009 Order or any replacement order shall cease to be effective in respect of the following Authorised Functions then the Service Provider shall carry out the following services in relation to the Authorised Function conferred on the Authority as Traffic Authority by or under Section 65(2) of NRSWA:

- 2.1 prepare for issue by the Authority appropriate directions concerning traffic signs and advise the Authority on the necessity for the same; and
 - 2.2 check whether Statutory Undertakers comply with such directions and advise the Authority accordingly;
3. If the 2009 Order or any replacement order shall cease to be effective in respect of the following Authorised Functions then the Service Provider shall carry out the following services in relation to the Authorised Function conferred on the Authority as a relevant Authority other than a Street Authority by or under the following sections of NRSWA:
- 3.1 Section 81:
 - 3.1.1 check that the Statutory Undertakers' apparatus is being properly maintained and advise the Authority accordingly;
 - 3.1.2 if the apparatus is not being properly maintained then advise the Authority whether emergency works need to be executed in consequence of such failure;
 - 3.1.3 if required by the Authority arrange the carrying out of such emergency works;
 - 3.1.4 assist the Authority in recovering sums pursuant to Section 81(5);
 - 3.1.5 in such circumstances prepare for issue by the Authority appropriate notices pursuant to Section 81(6); and
 - 3.2 Section 82:
 - 3.2.1 advise the Authority if any of the events described in Section 82(2) occur; and
 - 3.2.2 assist the Authority in recovering the sums pursuant to Section 82 (1).
4. If the 2009 Order or any replacement order shall cease to be effective in respect of the following Authorised Functions then the Service Provider shall carry out the following services in relation to the Authorised Function conferred on the Authority as a Highway Authority or as a Bridge Authority, by or under the following provisions of NRSWA:

- 4.1 Section 83: prepare for issue by the Authority appropriate notices informing Statutory Undertakers of Works for Road Purposes likely to affect their apparatus;
 - 4.2 Section 84:
 - 4.2.1 on behalf of the Authority liaise with the Statutory Undertakers in identifying measures and settling specifications in connection with Diversionary Works and co-ordinate such Diversionary Works with the carrying out of Operations;
 - 4.2.2 participate in or if so instructed by the Authority conduct any arbitration proceedings brought pursuant to Section 84(3); and
 - 4.2.3 assist the Authority in recovering sums under Section 84(4);
 - 4.3 Section 88: monitor the execution of works by Statutory Undertakers and advise the Authority accordingly. Advise the Authority on requirements to be imposed on the Statutory Undertaker for the protection of bridges or for securing access. Prepare for issue by the Authority appropriate notices setting out such requirements.
5. If the 2009 Order or any replacement order shall cease to be effective in respect of the following Authorised Functions then the Service Provider shall carry out the following services in relation to the Authorised Function conferred on the Authority by or under Section 90 of NRSWA:
- 5.1 prepare for issue by the Authority appropriate notices to Statutory Undertakers requiring them to carry out remedial works to sewers drains or tunnels owned by the Authority, and advise the Authority on the necessity for the same;
 - 5.2 advise the Authority on what works need to be carried out in consequence of a failure by a Statutory Undertaker to comply with such notices. If required by the Authority arrange the carrying out of such works. Assist the Authority in recovering the costs of such works; and
 - 5.3 where the Statutory Undertaker has failed to comply with its duties to reinstate and this is causing a danger to the users of the street, advise the Authority accordingly. Advise the Authority on what works need to be carried out in consequence. If required by the Authority arrange the carrying out of such works. Assist the Authority in recovering the costs of such works from the Statutory Undertaker. In

such circumstances prepare for issue by the Authority appropriate notices pursuant to Section 90(3).

6.

6.1 Words and expressions used in this Part 3 and defined in schedule 1 or clause 36 (*Authority Statutory Powers*) shall have the same meaning as is ascribed to them in such clauses;

6.2 "**Bridge Authority**" has the meaning given in Section 88(1)(b) of NRSWA;

6.3 "**Highway Authority**" has the same meaning as ascribed in the 1980 Act; and

6.4 "**Traffic Authority**" has the meaning given in Section 121A of the Road Traffic Regulation Act 1984.

SCHEDULE 23

Statutory Functions

Part 4

NRSWA Payments

ITEM	STATUTORY BASIS	NATURE OF MONIES	BENEFICIARY
1.	Section 50 and Schedule 3 Paragraph 2 NRSWA	Fee for grant of Street Works licence and annual fee for its administration.	[REDACTED]
2.	Section 51 NRSWA	Cost of undertaking works to remove unauthorised apparatus.	[REDACTED]
3.	Section 53 NRSWA and Street Works Register (Registration Fees) Regulations SI 1999 No. 1048	Fee for registration of prescribed information in Street Works register.	[REDACTED]
4.	Section 61 NRSWA	Fee for giving statutory undertaker consent to place apparatus in a protected street.	[REDACTED]
5.	Section 65 NRSWA	Cost of arranging safety measures in default of a statutory undertaker so doing.	[REDACTED]
6.	Section 66 NRSWA	Cost of arranging for obstruction to be mitigated / discontinued in default of a statutory undertaker so doing.	[REDACTED]
7.	Section 72 NRSWA	Cost of executing remedial works in relation to reinstatement.	[REDACTED]
8.	Section 72(2A) NRSWA	Fee for inspection in relation to reinstatement.	[REDACTED]
9.	Section 74 NRSWA and Street Works (Charges for Unreasonably Prolonged Occupation of the Highway) (England) Regulations 2001 SI 2001 No. 1281	Charge for occupation of the highway where works exceed prescribed period and works are not completed within a reasonable period.	[REDACTED]
10.	Section 74A NRSWA and Street Works (Charges for Occupation of the Highway) (England) Regulations 2001 SI 2001 No. 4060	Charge payable by reference to the whole duration of street works.	[REDACTED]

ITEM	STATUTORY BASIS	NATURE OF MONIES	BENEFICIARY
11.	Section 75 NRSWA and Street Works (Inspection Fees) (England) Regulations 2002 SI 2002 No. 2092 as amended by Street Works (Inspection Fees) (England) (Amendment) Regulations 2004 SI 2004 No. 572	Fees payable for inspection of works carried out by undertaker.	[REDACTED]
12.	Section 76 NRSWA	Costs incurred in connection with the making of an order under Section 14 Road Traffic Regulation Act 1984.	[REDACTED]
13.	Section 77 NRSWA	Indemnity from statutory undertaker in respect of strengthening or making good any damage to the highway.	[REDACTED]
14.	Section 78 NRSWA	Undertaker's contribution to the costs incurred or likely to be incurred in the works of reconstruction or re-surfacing of a street.	[REDACTED]
15.	Section 81 NRSWA	Indemnity from statutory undertaker in respect of costs incurred in executing works needed to enable apparatus to be inspected.	[REDACTED]
16.	Section 82 NRSWA	Compensation payable by undertaker as a result of execution by undertaker of street works or of any event comprising explosion, ignition, discharge or other event occurring to gas, electricity, water or any other thing required for the purpose of a supply or service provided by an undertaker.	[REDACTED]
17.	Section 85 NRSWA and Street Works (Sharing of Cost of Works) Regulations 2000 SI 2000 No. 3314	Payment of allowable costs of the measures needing to be taken in relation to undertaker's apparatus in consequence of major highway works, major bridge works or major transport works.	[REDACTED]
18.	Section 90 NRSWA	Cost of undertaking reinstating works where street works have been performed by statutory	[REDACTED]

ITEM	STATUTORY BASIS	NATURE OF MONIES	BENEFICIARY
		undertaker which involve breaking up or opening a sewer, drain or tunnel.	
19.	Street Works (Fixed Penalty) (England) Regulations 2007 SI 2007 No. 1952.	Fixed penalty notices	[REDACTED]

Part 5

Agreed Form Specified Licence

**BIRMINGHAM CITY COUNCIL
HIGHWAYS ACT 1980 - SECTION 139**

Permission to deposit and use a builder's skip on the highway

The City of Birmingham District Council as the Highway Authority hereby grants permission pursuant to Section 139 of the Highways Act 1980 to

Of
to deposit and use builder's skip(s) on the carriageway of the highway known as

for the period of days from to
(both dates inclusive)

Subject to the following conditions

The skip shall be removed not later than the second of the above dates for such earlier times as it may have been filled or emptied as the case may be) unless the prior agreement of the City Engineer to an extension of the period has been obtained and this permit has been endorsed by him with revised date.

Notwithstanding the issue of this permit, Section 140 of the Highways Act 1980 provides that the highway authority or a police constable in uniform may require the owner to remove or reposition the skip or cause it to be removed or repositioned.

Date of issue

Issued at:

**John Blakemore
Acting Chief Highway Engineer
1 Lancaster Circus
Queensway
Birmingham
B4 7DQ**

PLEASE NOTE: This permit or a Photostat copy **must** be available for inspection on site by an officer of the highway authority or a police constable in uniform.

Your attention is drawn to the provisions of S.139 and S.140 of the Highways Act 1980. (Subsections (1), (3), and (4) of Section 139 are printed overleaf.)

HIGHWAYS ACT 1980 – SECTION 139

- 139 - (1) A builder's skip shall not be deposited on a highway without the permission of the highway authority for the highway.
- (2) A permission under this section shall be a permission for a person to whom it is granted to deposit, or cause to be deposited, a skip on the highway specified in the permission, and a highway authority may grant such permission either unconditionally or subject to such conditions as may be specified in the permission including, in particular, conditions relating to
- (a) the siting of the skip.
 - (b) its dimensions.
 - (c) the manner in which it is to be coated with paint and other material for the purpose of making it immediately visible to oncoming traffic.
 - (d) the care and disposal of its contents.
 - (e) the manner in which it is to be lighted and guarded.
 - (f) its removal at the end of the period of permission.
- (3) If a builder's skip is deposited on a highway without a permission granted under this section, the owner of the skip is, subject to subsection (6) below, guilty of an offence and liable to a fine not exceeding £100.
- (4) Where a builder's skip has been deposited on a highway in accordance with a permission under this section, the owner of the skip shall secure:
- (a) that the skip is properly lighted during the hours of darkness.
 - (b) that the skip is clearly and indelibly marked with the owner's name and with his telephone number and address.
 - (c) that the skip is removed as soon as practicable after it has been filled.
 - (d) that each of the conditions subject to which that permission was granted is complied with.

and if he fails to do so, he is, subject to subsection (6), guilty of an offence and liable to a fine not exceeding £100.

LICENCE

SECTION 142 HIGHWAYS ACT 1980

THIS LICENCE is made the _____ day of _____ Two
Thousand and _

BETWEEN

- (1) BIRMINGHAM CITY COUNCIL of the Council House Birmingham B1 1BB
("the Council") and
- (2) _ whose registered office is at _ Company Registration Number _ ("the Licensee")

WHEREAS

- (1) The Licensee desires to create Tree Areas within the Highway in the City of Birmingham
- (2) The Licensee is the freeholder of the property (hereinafter called "the Property") for identification purposes only shown edged red on the Site Plan
- (3) The Council is the Highway Authority for the purposes of the Highways Act 1980 for the City of Birmingham
- (4) A Licence under Section 142 Highways Act 1980 is necessary for the creation of the Tree Areas in the Highway, and may be granted subject to such reasonable terms and conditions as the Council think fit

IT IS HEREBY AGREED

1. Words and Expressions

- 1.1 In this Licence the following words and expressions shall have the following meanings

"the Act" means the Highways Act 1980

"the Director" means the Chief Highway Engineer of the Council or such other officer from time to time performing this function

"the Highway" means the area of _, Birmingham edged [green] on the Plan

“the Plan” means drawing number _ attached hereto

“the Site Plan” means drawing number _ attached hereto

“the Trees” means the trees, shrubs, plants or grass to be planted in the Tree Areas and listed on the Plan

“the Tree Areas” means the areas edged [red] on the Plan

2. Consent

2.1 This Licence is issued by the Council under Section 142 of the Act subject to the terms and conditions contained herein and in the Highways Act 1980 and the Licensee hereby accepts the Licence subject to such terms and conditions

2.2 It is hereby agreed and declared that nothing herein contained shall be deemed to be a consent or approval of the Council in any capacity other than as Highway Authority for the areas in which the Tree Areas are situated and any consents or permissions on the part of the Council herein provided for shall not be deemed to imply in any manner whatsoever consent to create the Tree Areas over land which is not in the ownership of the Council

2.3 Prior to the creation of the Tree Areas the Licensee shall have obtained all necessary approvals from the landowner

3. Duration

This Licence shall remain in force for 125 years from the date hereof

4. Tree Areas

4.1 The Council hereby grants to the Licensee a Licence under Section 142 of the Act to plant and maintain the Trees

4.2 No hole shall be dug to a greater depth than 0.45 metres or such depth as is agreed in writing with the Director in connection with the creation or maintenance of the Tree Areas, nor shall any hole be dug within 1 metre of the line of any apparatus of statutory undertakers (including universal service providers) or sewerage authorities in the Highway

- 4.3 No plant, shrub or tree which is of poisonous nature (whether by reason of fruit, flowers, leaves or otherwise howsoever) or is otherwise likely to constitute a source of danger to persons or animals on the Highway shall be planted under this Licence
- 4.4 The Licensee shall ensure that the Trees shall be properly cut, pruned, trimmed or mown and shall not allow any of the Trees to obstruct or interfere in any way with or to become a source of danger to passage along the Highway, or to overhang the premises of any person other than the Licensee and the Licensee shall keep the Tree Areas in a trim and tidy condition
- 4.5 If it appears to the Council that any of the Trees are likely to obstruct or interfere in any way with or to be a source of danger to passage along the Highway or to overhang the premises of any person other than the Licensee or that any of the Trees is not being regularly cut or mown the Council may without notice to the Licensee lop, prime, cut, trim or mow such Trees as they think fit and any such action by the Council shall be without prejudice to their power under Section 142 of the Act to withdraw the Licence and recover the cost of such work from the Licensee as a debt
- 4.6 The Licensee shall not in or under or upon the Tree Areas do or suffer to be done any act or omission whereby the cover of soil or paving material over pipes or cables or any apparatus under the Tree Areas shall be removed or altered so as to render access to the Tree Areas more difficult or expensive or otherwise do anything to interfere with the support given to the rest of the Highway
- 4.7 Persons authorised by the Council or any statutory undertakers (including universal service providers), sewerage authorities public utilities or operators of electronic communications code networks or driver information systems may at any time enter the Tree Areas without notice to the Licensee in order to carry out works for the purposes of the Highway or the undertaking in question
- 4.8 Nothing in this Licence shall authorise any interference with the convenience of persons using the Highway
- 4.9 Nothing in this Licence shall affect the rights of any statutory undertaker (including universal service providers) public utility or the operators of a electronic communications code networks or driver information systems

4.10 The Licensee must not alter the Tree Areas without the prior written consent of the Council

5. Highway Improvements

Should for any reason whatsoever the Council need to carry out any improvements to the Highway affecting the Tree Areas it will notify the Licensee and seek to agree an alternative site for the relocation of the Tree Areas

6. Indemnity

The Licensee shall indemnify and keep indemnified the Council against all actions proceedings suits damages demands losses costs and expenses including third party rights of whatsoever nature which may be brought or made against the Council or which the Council may suffer incur or be put to by reason of the planting and maintenance of the Trees and construction erection repair and maintenance of the Tree Areas or by reason of the improper or defective planting construction erection repair and maintenance of the same or otherwise in connection with or arising out of the rights and permissions hereby granted

7. Breach of Obligations

Without prejudice to other remedies available to the Council if at any time during the continuance of this Licence the Licensee shall be in breach of any term or condition hereof the Council may give written notice to the Licensee specifying the breach and requiring its remedy within 14 days (or such other period as may be specified) and should the Licensee fail to remedy such specified breach the Council may either carry out the necessary work and recover its reasonable and proper costs as a debt from the Licensee or withdraw the Licence

8. Assignment

This Licence is made pursuant to Section 142 of the Act and shall bind the Licensee only for so long as the Licensee shall remain the owner of the Property PROVIDED that before assigning or otherwise disposing of its interest in the Property the Licensee shall procure that any assignee or disposee thereof executes and delivers to the Council a unilateral deed by which such assignee or disposee covenants to observe and perform the obligations imposed on the Licensee by this Licence

9. Notice

9.1 Any notice required to be given under this Licence shall be in writing and shall be delivered personally or sent by pre-paid first class recorded delivery post or facsimile transmission

9.2 The address for service of any such notice consent or approval as aforesaid shall in the case of service upon the Council be addressed to the Director at Lancaster Circus Queensway Birmingham B4 7DQ or such other address for service as shall have been previously notified by the Council to the Licensee and in the case of service upon the Licensee be upon the Licensee at the address above or such other address for service as shall have been previously notified to the Council

9.3 Any notice consent or approval under this Licence shall be deemed to have been served as follows:

9.3.1 if personally delivered at the time of delivery

9.3.2 if posted at the expiration of 48 hours after the envelope containing the same was delivered into custody of the postal authority within the United Kingdom

9.3.3 if sent by facsimile transmission at the time of successful transmission and in proving such service it shall be sufficient to prove that personal delivery was made or that the envelope containing such notice consent or approval was properly addressed and delivered into the custody of the postal authority in a pre-paid first class recorded delivery envelope or that the facsimile was successfully transmitted as the case may be

10. Legal Costs

The Licensee shall on the completion hereof pay the Council's reasonable legal costs and the Director's fee of £565 in connection with the administrative work incurred in the issue of this Licence

11. Headings

The headings in this Licence are for convenience only and shall not be taken into account in the construction and interpretation of this Licence

IN WITNESS whereof the parties have affixed their common seals or hands to this Licence the day and year first before written

EXECUTED as a DEED by affixing)
The Common Seal of BIRMINGHAM CITY)
COUNCIL)
in the presence of:

Authorised signatory

EXECUTED as a DEED by affixing)
The Common Seal of _)
in the presence of:)

Director

Director/Secretary

DATED 200_

BIRMINGHAM CITY COUNCIL

- TO -

_ LIMITED

LICENCE

SECTION 142 HIGHWAYS ACT 1980

Ref: LS/PP/_/_

Mirza Ahmad
Chief Legal Officer
Ingleby House
11 - 14 Cannon Street
Birmingham B2 5EN

LICENCE

SECTION 177 HIGHWAYS ACT 1980

THIS LICENCE is made the _____ day of _____ Two thousand and __

BETWEEN

- (1) BIRMINGHAM CITY COUNCIL of the Council House Birmingham B1 1BB ("the Council") and
- (2) __ whose registered office is situated at __ (Company Registration Number __) ("the First Licensee") [being the freehold owner]
- [(3) __ whose registered office is situated at __ (Company Registration Number __) ("the Second Licensee") [being the Leaseholder]

WHEREAS

- (1) The [Second] Licensee desires to erect the Building at the Premises in the position shown edged red on the Plan attached hereto over the Highway in the City of Birmingham
- (2) The Council is the Highway Authority for the purposes of the Highways Act 1980 for the City of Birmingham
- (3) A Licence under Section 177 of the Act is necessary for the erection of the Building over the Highway, and may be granted subject to such reasonable terms and conditions as the Council think fit
- [(4) The First Licensee has leased the Premises to the Second Licensee for __ years from __ (insert date of lease)]

IT IS HEREBY AGREED

1. Words and Expressions

- 1.1 In this Licence the following words and expressions shall have the following meanings

“the Act” means the Highways Act 1980

“the Building” means _ [description of works which will overhang the Highway]

“the Drawings” means plans, elevations, sections, (including details of the structural design) layout height and profiles of the Building

“the Director” means the Chief Highway Engineer of the Council or such other officer from time to time performing this function

“the Highway” means _

[“the Licensee” means the First Licensee and the Second Licensee”]

“the Location Plan” means drawing number _

“the Plan” means _ [red line drawing outlining the Premises]

“the Premises” means _ [address]

2. Consent

2.1 This Licence is issued by the Council under Section 177 of the Act subject to the terms and conditions contained herein and the Licensee hereby accepts the Licence subject to such terms and conditions

2.2 It is hereby agreed and declared that nothing herein contained shall be deemed to be a consent or approval of the Council in any capacity other than as Highway Authority for the area in which the Building is situated

2.3 Prior to the construction of the Building the [Second] Licensee shall have obtained all necessary approvals from

2.3.1 The landowner (and for the avoidance of doubt landowner includes the Council as landowner if that be the case); and

2.3.2 The Council as local planning authority

[2.4 The First Licensee covenants:

- (a) To observe and perform the provisions and covenants of this Licence from the date that the leasehold interest is terminated; and
- (b) To discharge all outstanding obligations existing at the date the leasehold interest is terminated; and
- (c) To remedy and rectify all breaches of this Licence on the part of the Second Licensee subsisting at the date that the leasehold interest is terminated

3. Duration

This Licence shall remain in force [until _] [for a period of _ years] [or until the Building is redeveloped]

4. Construction of Building

4.1 The [Second] Licensee shall before the commencement of construction of the Building submit to the Director such Drawings and other particulars as he shall require and when the Drawings and particulars have been approved by the Director the Building shall be erected in strict accordance with the Drawings and other particulars (and any amendment or modification thereto previously approved by the Director) to the satisfaction of the Director

4.2 The [Second] Licensee shall construct the Building at its own expense

5. Maintenance of Building

5.1 The [Second] Licensee shall keep the Building in good and substantial repair to the satisfaction of the Director

5.2 The [Second] Licensee shall provide the Director with certificates of structural adequacy of the Building in a form required by the Director

5.3 The [Second] Licensee shall provide the Director with the name/title and telephone/ fax numbers of a responsible person who may be contacted on a 24 hour a day basis in the event of damage to the Building

6. Alterations

The [Second] Licensee shall not make any alteration to the Building without the prior written approval of the Council

7. Highway Safety

7.1 The [Second] Licensee shall at all times during the erection of the Building and at any time while the Building is being repaired or maintained take all necessary precautions for the safety of all persons using the Highway and shall erect signs and guards in accordance with the Department of Transport Traffic Signs Manual Chapter 8 and comply with all directions given to the Licensee by the Director as to safety precautions required to be taken and allow the Director or his representative access to the Premises to inspect the Building

7.2 The [Second] Licensee shall ensure that all loads to be lifted or carried during construction or maintenance and repair work to the Building shall be properly supervised by a responsible person

7.3 Nothing in this Licence shall authorise any interference with the convenience of persons using the Highway

8. Damage to the Highway

In the event of any damage occurring to the Building as a result of which the Council incur costs or expenditure in making the Building safe or putting up barriers or reinstating any damage to the Highway or any highway structure or item of street furniture the costs of such works may be recovered from the [Second] Licensee as a debt recoverable by action

9. Statutory Undertakers

9.1 The [Second] Licensee shall arrange for and pay the cost of any alterations to the apparatus of Statutory Undertakers Public Utilities and Operators of a Telecommunication Code System necessitated by the construction repair or maintenance of the Building and shall indemnify the Council against any claim by such a body in respect of any such damage

9.2 Nothing in this License shall affect the rights of any Statutory Undertaker Public Utility or Operator of a Telecommunications Code System

10. Indemnity

The [Second] Licensee shall indemnify and keep indemnified the Council against all actions proceedings suits damages losses costs and expenses including third party rights which may be brought or made against the Council or which the Council may suffer incur or be put to by reason of the construction erection repair and maintenance of the Building or by reason of the improper or defective construction erection repair and maintenance of the same or otherwise in connection with or arising out of the rights and permissions hereby granted

11. Breach of Obligations

11.1 Without prejudice to other remedies available to the Council if at any time during the continuance of this Licence the [Second] Licensee shall be in breach of any term or condition hereof the Council shall give written notice to the [Second] Licensee specifying the breach and requiring its remedy within 14 days (or such other period as may be specified) and should the [Second] Licensee fail to remedy such specified breach the Council may either carry out the necessary work and recover its reasonable and proper costs as a debt from the [Second] Licensee or demand that the Building be removed

11.2 The attention of the Licensee is drawn to Section 177 subsections (7) (8) (9) and (10) of the Act

12. Assignment

This Licence is made pursuant to Section 177 of the Act and shall bind the Licensee only for so long as the Licensee shall remain the owner[s] [(being either Leasehold or Freehold)] of the Premises PROVIDED that before assigning or otherwise disposing of its interest in the Premises the Licensee shall procure that any assignee or disposee thereof executes and delivers to the Council a unilateral deed by which such assignee or disposee covenants to observe and perform the obligations imposed on the assigner or disposer (as the case may be) by this Licence

13. Notice

13.1 Any notice agreement consent approval or expression of satisfaction required to be given under this Licence shall be in writing and shall be delivered personally or sent by pre-paid first class recorded delivery post or facsimile transmission

13.2 The address for service of any such notice agreement consent approval or expression of satisfaction as aforesaid shall in the case of service upon the Council be addressed to the Director at Lancaster Circus Queensway Birmingham B4 7DQ or such other address for service as shall have been previously notified by the Council to the Licensee and in the case of service upon the Licensee be upon the Licensee at "[its] [their]" registered office aforesaid or such other address for service as shall have been previously notified to the Council

13.3 Any notice consent or approval under this Licence shall be deemed to have been served as follows:

13.3.1 if personally delivered at the time of delivery

13.3.2 if posted at the expiration of 48 hours after the envelope containing the same was delivered into custody of the postal authority within the United Kingdom

13.3.3 if sent by facsimile transmission at the time of successful transmission

and in proving such service it shall be sufficient to prove that personal delivery was made or that the envelope containing such notice consent or approval was properly addressed and delivered into the custody of the postal authority in a pre-paid first class recorded delivery envelope or that the facsimile was successfully transmitted as the case may be

14. Reasonableness

Unless otherwise specified where any notice agreement consent approval or expression of satisfaction is to be obtained from any party under the terms of this Licence the parties hereby agree that the same shall not be unreasonably withheld or delayed

15. Costs

The [Second] Licensee shall on the completion hereof pay the Council's reasonable legal costs and the Director's fee of £610 in connection with the administrative work incurred in the issue of this Licence

16. Headings

The headings in this Licence are for convenience only and shall not be taken into account in the construction and interpretation of this Licence

IN WITNESS whereof the parties have sealed this Licence on the day and year first before written

EXECUTED AS A DEED by affixing)
THE COMMON SEAL of)
BIRMINGHAM CITY COUNCIL)
in the presence of:-)

Authorised Signatory

EXECUTED AS A DEED by affixing)
THE COMMON SEAL of _)
in the presence of:-)

-

Director

Director/Secretary

[EXECUTED AS A DEED by affixing)
THE COMMON SEAL of _)
in the presence of:-)

-

Director

Director/Secretary]

DATED

20_

BIRMINGHAM CITY COUNCIL

- TO -

-

[-TO-

-]

LICENCE

S177 HIGHWAYS ACT 1980

_ Birmingham

Ref: LS/PP/_/_

Birmingham City Council
Legal and Democratic Services
Ingleby House
11 - 14 Cannon Street
Birmingham B2 5EN

LICENCE

SECTION 115E HIGHWAYS ACT 1980

THIS LICENCE is made the _____ day of _____ Two thousand and
XXXX

BETWEEN

- (1) BIRMINGHAM CITY COUNCIL of the Council House Birmingham B1 1BB
("the Council") and
- (2) XXXX whose registered office is situate at XXXX (Company Registration Number
XXXX) ("the Licensee")

WHEREAS

- (1) The Licensee desires to erect the Structure [on/in/over] the Highway in the City of
Birmingham
- (2) The Council is the Highway Authority for the purposes of the Highways Act 1980 for
the City of Birmingham
- (3) A Licence under Section 115E of the Highways Act 1980 is necessary for the
erection of the Structure [on/in/over] the Highway, and may be granted subject to the
conditions hereinafter specified and the conditions contained in Section 115E of the
Highways Act 1980

IT IS HEREBY AGREED

1. Words and Expressions

- 1.1 In this Licence the following words and expressions shall have the following
meanings

"the Act" means the Highways Act 1980

"the Drawing" means XXXXX attached hereto

"the Director" means the Chief Highway Engineer of the Council or such other
officer from time to time performing this function

“the Highway” means XXXX Birmingham

“the Location Plan” means XXXX annexed hereto

“the Premises” means XXXX, Birmingham as shown edged XXXX on the Location Plan

“the Structure” means the XXXX to be erected [on/in/over] the Highway at the Premises in the position shown hatched XXXX on the Drawing

2. Consent

2.1 This Licence is issued by the Council under Section 115E of the Act subject to the terms and conditions contained herein and the Licensee hereby accepts the Licence subject to such terms and conditions

2.2 It is hereby agreed and declared that nothing herein contained shall be deemed to be a consent or approval of the Council in any capacity other than as Highway Authority for the areas in which the Structure is situated

2.3 Prior to the construction of the Structure the Licensee shall have obtained all necessary approvals from

2.3.1 the landowner (and for the avoidance of doubt landowner includes the Council as landowner if that be the case); and

2.3.2 the Council as local planning authority

3. Duration

This Licence shall remain in force for a period of XXXX years from the date hereof

4. Installation of the Structure

The works of installing the Structure shall be executed by the Licensee at their own expense and subject to the covenants given by the Licensee and contained in this Licence

5. Maintenance of the Structure

- 5.1 The Licensee shall keep the Structure in good and substantial repair to the satisfaction of the Director
- 5.2 The Licensee shall provide the Director with certificates of structural adequacy of the Structure in a form required by the Director
- 5.3 The Licensee shall provide the Director with the name/title and telephone/ fax numbers of a responsible person who may be contacted on a 24 hour a day basis in the event of damage to the Structure

6 Alterations

The Licensee shall not make any alteration to the Structure without the prior written approval of the Council

7 Highway Safety

- 7.1 The Licensee shall at all times during the erection of the Structure and at any time while the Structure is being repaired or maintained take all necessary precautions for the safety of all persons using the Highway and shall erect structures and guards in accordance with the Department of Transport Traffic Buildings Manual Chapter 8 and comply with all directions given to the Licensee by the Director as to safety precautions required to be taken
- 7.2 The Licensee shall ensure that the installation of the Structure and any subsequent maintenance repair or other work in connection with the Structure shall (except in the case of emergency) cause the minimum disturbance to the highway and the highway shall remain open to traffic at all times and in particular such works (except in case of an emergency) shall not be carried out between the hours of 0730 hours – 09.00 hours and 1600 hours – 1800 hours Monday to Friday inclusive
- 7.3 Nothing in this Licence shall authorise any interference with the convenience of persons using the highway

8 Damage to the Highway

- 8.1 The Licensee shall ensure that all interim and permanent restoration to excavations for the installations of the Structure and any subsequent maintenance repair or other works shall be to the satisfaction of the Director
- 8.2 The Licensee shall reinstate any damage to the highway structure or furniture caused by the Licensee their agents or representative during the work of installation maintenance or repair of the Structure and if the Licence shall fail to reinstate any damage to the highway or any highway structure or furniture the Council will carry out the necessary works and the costs of such works may be recovered from the Licensee as a debt recoverable by action
- 8.3 In the event of any damage occurring to the Structure as a result of which the Council incur costs or expenditure in making the Structure safe or putting up barriers or reinstating any damage to the Highway or any highway structure or item of street furniture the costs of such works may be recovered from the Licensee as a debt recoverable by action

9 Statutory Undertakers

- 9.1 The Licensee shall arrange for and pay the cost of any alterations to the apparatus of statutory undertakers public utilities and operators of a telecommunication code system necessitated by the construction repair or maintenance of the structure and shall indemnify the Council against any claim by such a body in respect of any such damage
- 9.2 Nothing in this Licence shall affect the rights of any statutory undertaker public utility or operator of a telecommunications code system

10 Indemnity

The Licensee shall indemnify and keep indemnified the Council against all actions proceedings suits damages losses costs and expenses including third party rights which may be brought or made against the Council or which the Council may suffer incur or be put to by reason of the construction erection repair and maintenance of the Structure or by reason of the improper or defective construction erection repair and maintenance of the same or otherwise in connection with or arising out of the rights and permissions hereby granted

11 Highway Improvements

The Licensee shall be responsible for removing the Structure should it become necessary for any reason whatsoever or carry out any future improvements to the highway

12 Breach of Obligations

Without prejudice to other remedies available to the Council if at any time during the continuance of this Licence the Licensee shall be in breach of any term or condition hereof the Council shall give written notice to the Licensee specifying the breach and requiring its remedy within 14 days (or such other period as may be specified) and should the Licensee fail to remedy such specified breach the Council may either carry out the necessary work and recover its reasonable and proper costs as a debt from the Licensee or demand that the Structure be removed

13. Assignment

The rights and permissions hereby granted shall not be assigned or transferred by the Licensee without the written consent of the Council first had and obtained

14. Notice

14.1 Any notice required to be given under this Licence shall be in writing and shall be delivered personally or sent by pre-paid first class recorded delivery post or facsimile transmission

14.2 The address for service of any such notice consent or approval as aforesaid shall in the case of service upon the Council be addressed to the Director at Lancaster Circus Queensway Birmingham B4 7DQ or such other address for service as shall have been previously notified by the Council to the Licensee and in the case of service upon the Licensee be upon the Licensee at its registered office aforesaid or such other address for service as shall have been previously notified to the Council

14.3 Any notice consent or approval under this Deed shall be deemed to have been served as follows:

14.3.1 if personally delivered at the time of delivery

14.3.2 if posted at the expiration of 48 hours after the envelope containing the same was delivered into custody of the postal authority within the United Kingdom

14.3.3 if sent by facsimile transmission at the time of successful transmission and in proving such service it shall be sufficient to prove that personal delivery was made or that the envelope containing such notice consent or approval was properly addressed and delivered into the custody of the postal authority in a pre-paid first class recorded delivery envelope or that the facsimile was successfully transmitted as the case may be

15. Reasonableness

Unless otherwise specified where any agreement consent approval or expression of satisfaction is to be obtained from any party under the terms of this Licence the parties hereby agree that the same shall not be unreasonably withheld or delayed

16. Costs

The Licensee shall on the completion hereof pay the Council's reasonable legal costs and the Directors fee of XXXX in connection with the administrative work incurred in the issue of this Licence

17. Headings

The headings in this Licence are for convenience only and shall not be taken into account in the construction and interpretation of this Licence

IN WITNESS whereof the parties have sealed this Licence on the day and year first before written

EXECUTED AS A DEED by affixing)
THE COMMON SEAL of)
BIRMINGHAM CITY COUNCIL)
in the presence of:-)

Authorised Signatory

EXECUTED AS A DEED by affixing)
THE COMMON SEAL of)
XXXX)
in the presence of:-)

Director

Secretary/Director

DATED

200X

BIRMINGHAM CITY COUNCIL

- TO -

XXXX

LICENCE

S115E HIGHWAYS ACT 1980

XXXX

Birmingham City Council
Legal and Democratic Services
Ingleby House
11 - 14 Cannon Street
Birmingham B2 5EN

**CONTRACTOR'S
COPY**

Permit No. *Sl* 

Ward

**BIRMINGHAM CITY COUNCIL
PERMIT TO ERECT SCAFFOLD*/HOARD
TRANSPORTATION DEPARTMENT,
1 LANCASTER CIRCUS, QUEENSWAY,
BIRMINGHAM B4 7DQ.**

To:

Of:

Date

(*The Contractor*)

1. This permit is issued by Birmingham City Council ("the Council") in pursuance of its powers as Highway Authority and the powers conferred upon it by Section(s) 169, 172 and Highways Act 1980.
2. The Contractor may erect a scaffold*/hoard over and along so much of the footway in the highway known as at the following location
3. The Contractor must ensure that:-
 - (a) The scaffold*/hoard must not encroach on the footway in more than metres in length, nor more than metres in width and the hoard*/scaffold must not, except by and with the consent in writing of the Council be erected to any greater height than three metres.
 - (b) The Contractor must if required to do so by the Council's Director of Transportation ("the Engineer") adequately fence and sign such portion of the adjacent footway/carriageway as directed, to provide a safe passage for pedestrians, such fence or barrier to be adequately lighted during the hours of darkness. All highway works must comply with the requirements of Chapter 8 of the Department of Transport's Traffic Signs Manual and the New Roads and Streetworks Act 1991 and all other relevant legislation.
 - (c) All scaffold*/hoards must be properly and securely erected and all necessary steps must be taken during erection and dismantling to prevent any material, tools or other equipment falling on to the footway or carriageway. Such hoard or scaffold must be provided with a safety sheet or other apparatus or device at a height of not less than 2.5 metres from the ground, which must effectively prevent any material, tools, water or other liquid falling on to the footway or carriageway during the course of the work. Further guidance on the requirements of this clause are stated overleaf.
 - (d) Every hoard*/scaffold support which rests on the footway or carriageway must be covered in a reflective red and white sleeve or tape up to a height of 2.5 metres from the ground, and the positions of such support must be clearly indicated by sufficient lamps during the hours of darkness and conform to BS7671.
 - (e) Every bar, rail or beam to be erected over the footway must be at a height of at least 2.5 metres.
 - (f) The scaffold*/hoard must be removed by the Contractor on or before 300 and the Contractor must bear the cost of restoring the footway or carriageway if damaged as a result of the erection of the scaffold or hoard or of work incidental thereto.
 - (g) If the hoard or scaffold is to be illuminated by electric light during the hours of darkness, the electrical installation must be approved by Midlands Electricity PLC prior to it being made "live".
4. Access to statutory undertakers apparatus must be maintained at all times. It is the responsibility of the Contractor to comply with any reasonable request from any statutory undertaker that the scaffold or hoard be erected in such a way so as to afford protection and access to any apparatus belonging to or used or maintained by the undertaker.
5. Before commencing the erection of the scaffold or hoard the Contractor must contact the Engineer's representative Infrastructure Management, telephone number, and arrange an appointment on site in order to ascertain the state of the paving which will be affected by the work.
6. Upon completion of the works or the expiry of this permit (whichever is the earlier) the Contractor must contact the Engineer's representative (see clause 5) to arrange an appointment on site to inspect the condition of the footway.
7. This permit must be shown to any police constable on duty when required.
8. Should it be necessary to extend the period for which this permit is given it must be returned by the Contractor to the Engineer for renewal at least 7 days before the date of its expiry.
9. Any person aggrieved by the terms of this permit may appeal to the Magistrates Court.
**delete as appropriate*

Signed

Dated

D. Pywell
Director of Transportation
Transportation Department
1 Lancaster Circus, Queensway
Birmingham B4 7DQ

Acceptance of Conditions

I, on behalf of the Contractor undertake to observe and perform all the conditions attached to this permit and also to restore and make good the said streets and footways or pay the costs and expenses incurred by the Engineer in so doing.

Signed

On behalf of the Contractor

CSO J21019 Ts 12809

CONTRACTOR'S COPY

Permit No. E/ ~~.....~~

Ward

BIRMINGHAM CITY COUNCIL
PERMIT TO TEMPORARY EXCAVATE WITHIN/DEPOSIT BUILDING MATERIALS ON THE HIGHWAY
TRANSPORTATION DEPARTMENT,
1 LANCASTER CIRCUS, QUEENSWAY,
BIRMINGHAM B4 7DQ.

To:

Of:

Date

("the Contractor")

1. This permit is issued by Birmingham City Council ("the Council") in pursuance of its powers as Highway Authority and the powers conferred upon it by Sections 131 and 171 Highways Act 1980.
2. The Contractor is hereby permitted to temporarily excavate within*/deposit building materials on the highway known as at the following location for the purposes of ("the Works").
3. The Contractor must ensure that:-
 - (a) Access to the apparatus of statutory undertakers must be maintained at all times.
 - (b) The excavation*/deposit must be properly signed and guarded and during the hours of darkness properly lighted. All highway works must comply with the requirements of Chapter 8 of the Department of Transport's Traffic Signs Manual and the New Roads and Streetworks Act 1991 and all other relevant legislation.
 - (c) The Contractor must comply with any written directions of the Council with respect to traffic management measures to be taken in connection with the excavation*/deposit.
 - (d) If required by the Council the Contractor must fill in the excavation*/remove the deposit immediately.
 - (e) The Contractor must not allow the excavation*/deposit to remain in the street longer than is necessary.
4. The Contractor must comply with the following special conditions:
.....
.....
.....
5. Within 7 days of the completion of the Work the Contractor must restore and make good the street and footway to the satisfaction of the Council's Director of Transportation ("the Engineer") and maintain it in a safe condition for a period of 2 years (3 years if excavation over 1.5m depth) from the date of restoration. All reinstatements must be in accordance with specifications as stated in Section 71 of the New Roads and Streetworks Act 1991.
6. In the event of the street or footway not being restored and made good the Engineer will serve written notice on the Contractor specifying the unsatisfactory elements of the restoration work and that the Engineer will carry out the remedial work and that all costs and expenses incurred by the Engineer in serving notice and carrying out the remedial work shall be paid by the Contractor.
7. Before commencing the work the Contractor must contact the Engineer's representative Infrastructure Management, telephone number and arrange an appointment on site in order to ascertain the state of the street and footway which will be affected by the work.
8. Upon completion of the works or the expiry of this permit (whichever is the earlier) the Contractor must contact the Engineer's representative (see clause 7) to arrange an appointment on site to inspect the condition of the footway.
9. This permit must be shown to any police constable on duty when required.
10. Any person aggrieved by any condition subject to which this permit is given may appeal to the Magistrates Court.

Signed.....

Dated.....

D. Pywel
Director of Transportation
Transportation Department
1 Lancaster Circus, Queensway
Birmingham B4 7DQ

Acceptance of Conditions

I, on behalf of the Contractor undertake to observe and perform all the conditions attached to this permit and also to restore and make good the said streets and footways or pay the costs and expenses incurred by the Engineer in so doing.

Signed.....

On behalf of the Contractor

CSO J21015 FS 12885

LICENCE

SECTION 176 HIGHWAYS ACT 1980

THIS LICENCE is made the _____ day of _____ Two thousand and _

BETWEEN

- (1) BIRMINGHAM CITY COUNCIL of the Council House Birmingham B1 1BB ("the Council") and
- (2) _ whose registered office is situated at _
(Company Registration Number _____) ("the Licensee")

WHEREAS

- (1) The Licensee desires to erect the Bridge over the Highway in the position shown edged red on the Plan attached hereto over the Highway in the City of Birmingham
- (2) The Council is the Highway Authority for the purposes of the Highways Act 1980 for the City of Birmingham
- (3) A Licence under Section 176 of the Act is necessary for the erection of the Bridge over the Highway, and may be granted subject to such reasonable terms and conditions as the Council think fit

IT IS HEREBY AGREED

1. Words and Expressions

1.1 In this Licence the following words and expressions shall have the following meanings

"the Act" means the Highways Act 1980

"the Bridge" means the erection of a footbridge over the Highway in accordance with the Drawings annexed hereto

"the Drawings" means drawing number __, plans, elevations, sections (including details of the structural design) layout height and profiles of the Bridge

“the Director” means the Chief Highway Engineer of the Council or such other officer from time to time performing this function

“the Highway” means _

“the Plan” means Drawing number _ annexed hereto

“the Premises” means _

2. Consent

2.1 This Licence is issued by the Council under Section 176 of the Act subject to the terms and conditions contained herein and the Licensee hereby accepts the Licence subject to such terms and conditions

2.2 It is hereby agreed and declared that nothing herein contained shall be deemed to be a consent or approval of the Council in any capacity other than as Highway Authority for the areas in which the Bridge is situate and any consents or permissions on the part of the Council herein provided for shall not be deemed to imply in any manner whatsoever consent to erect the Bridge over land which is not in the ownership of the Council

2.3 Prior to the construction of the Building the [Second] Licensee shall have obtained all necessary approvals from

2.3.1 The landowner (and for the avoidance of doubt landowner includes the Council as landowner if that be the case); and

2.3.2 The Council as local planning authority

3. Duration

This Licence shall remain in force for a period of _ years from the date of completion of this Licence

4. Construction of Bridge

4.1 The Licensee shall before the commencement of construction of the Bridge submit to the Director such Drawings and other particulars as he shall require and when the Drawings and particulars have been approved by the Director

the Bridge shall be erected in strict accordance with the Drawings and other particulars (and any amendment or modification thereto previously approved by the Director to the reasonable satisfaction of the Director)

4.2 The Licensee shall construct the Bridge at its own expense

5. Maintenance of Bridge

5.1 The Licensee shall keep the Bridge in good and substantial repair to the reasonable satisfaction of the Director

5.2 The Licensee shall provide the Director with certificates of structural adequacy of the Bridge in a form reasonably required by the Director

5.3 The Licensee shall provide the Director with the name/title and telephone/ fax numbers of a responsible person who may be contacted on a 24 hour a day basis in the event of damage to the Bridge

6. Alterations

The Licensee shall not make any alteration to the Bridge without the prior written approval of the Council

7. Highway Safety

7.1 The Licensee shall at all times during the erection of the Bridge and at any time while the Bridge is being repaired or maintained take all necessary precautions for the safety of all persons using the Highway and shall erect signs and guards in accordance with the Department of Transport Traffic Signs Manual Chapter 8 and comply with all directions given to the Licensee by the Director as to safety precautions required to be taken and allow the Director or his representative access to the Premises to inspect the Bridge

7.2 The Licensee shall ensure that all loads to be lifted or carried during construction or maintenance and repair work to the Bridge shall be properly supervised by a responsible person

7.3 Nothing in this Licence shall authorise any interference with the convenience of persons using the Highway

8. Damage to the Highway

In the event of any damage occurring to the Bridge as a result of which the Council incur costs or expenditure in making the Bridge safe or putting up barriers or reinstating any damage to the Highway or any highway structure or item of street furniture the costs of such works may be recovered from the Licensee as a debt recoverable by action

9. Statutory Undertakers

9.1 The Licensee shall arrange for and pay the cost of any alterations to the apparatus of Statutory Undertakers Public Utilities and Operators of a Telecommunication Code System necessitated by the construction repair or maintenance of the Bridge and shall indemnify the Council against any claim by such a body in respect of any such damage

9.2 Nothing in this Licence shall affect the rights of any Statutory Undertaker Public Utility or Operator of a Telecommunications Code System

10. Indemnity

The Licensee shall indemnify and keep indemnified the Council against all actions proceedings suits damages losses costs and expenses including third party rights which may be brought or made against the Council or which the Council may suffer incur or be put to by reason of the construction erection repair and maintenance of the Bridge or by reason of the improper or defective construction erection repair and maintenance of the same or otherwise in connection with or arising out of the rights and permissions hereby granted

11. Breach of Obligations

11.1 Without prejudice to other remedies available to the Council if at any time during the continuance of this Licence the Licensee shall be in breach of any term or condition hereof the Council shall give written Notice to the Licensee specifying the breach and requiring its remedy within 14 days (or such other period as may be specified) and should the Licensee fail to remedy such specified breach the Council may either carry out the necessary work and recover its reasonable and proper costs as a debt from the Licensee or demand that the Bridge be removed

11.2 The attention of the Licensee is drawn to Section 176 of the Act

12. Assignment

This Licence is made pursuant to Section 176 of the Act and shall bind the Licensee only for so long as the Licensee shall remain the owner[s] [(being either Leasehold or Freehold)] of the Premises PROVIDED that before assigning or otherwise disposing of its interest in the Premises the Licensee shall procure that any assignee or disposee thereof executes and delivers to the Council a unilateral deed by which such assignee or disposee covenants to observe and perform the obligations imposed on the assigner or disposer (as the case may be) by this Licence

13. Notice

13.1 Any notice required to be given under this Licence shall be in writing and shall be delivered personally or sent by pre-paid first class recorded delivery post or facsimile transmission

13.2 The address for service of any such notice consent or approval as aforesaid shall in the case of service upon the Council be addressed to the Director at Lancaster Circus Queensway Birmingham B4 7DQ or such other address for service as shall have been previously notified by the Council to the Licensee and in the case of service upon the Licensee be upon the Licensee at its registered office aforesaid or such other address for service as shall have been previously notified to the Council

13.3 Any notice consent or approval under this Deed shall be deemed to have been served as follows:

13.3.1 if personally delivered at the time of delivery

13.3.2 if posted at the expiration of 48 hours after the envelope containing the same was delivered into custody of the postal authority within the United Kingdom

13.3.3 if sent by facsimile transmission at the time of successful transmission and in proving such service it shall be sufficient to prove that personal delivery was made or that the envelope containing such notice consent or approval was properly addressed and delivered into the

custody of the postal authority in a pre-paid first class recorded delivery envelope or that the facsimile was successfully transmitted as the case may be

14. Costs

The Licensee shall on the completion hereof pay the Council's reasonable legal costs and the Director's fee of £565 in connection with the administrative work incurred in the issue of this Licence

15. Headings

The headings in this Licence are for convenience only and shall not be taken into account in the construction and interpretation of this Licence

IN WITNESS whereof the parties have sealed this Licence on the day and year first before written

EXECUTED AS A DEED by affixing)
THE COMMON SEAL of)
BIRMINGHAM CITY COUNCIL)
in the presence of:-)

Authorised Signatory

EXECUTED AS A DEED by affixing)
THE COMMON SEAL of)
_____)
in the presence of:-)

Director

Secretary

DATED

200_

BIRMINGHAM CITY COUNCIL

- TO -

—

LICENCE

S176 HIGHWAYS ACT 1980
Birmingham

Mirza Ahmad
Chief Legal Officer
Ingleby House
11 - 14 Cannon Street
Birmingham B2 5EN

CONTRACTOR'S COPY

Permit No. CO/.....
Ward

**BIRMINGHAM CITY COUNCIL
PERMIT TO CART OVER THE FOOTWAY
TRANSPORTATION DEPARTMENT,
1 LANCASTER CIRCUS, QUEENSWAY,
BIRMINGHAM B4 7DQ.**

To:

Of:

Date

("the Contractor")

- 1. This permit is issued by Birmingham City Council ("the Council") in pursuance of its powers as Highway Authority and the powers conferred upon it by Section 164 Highways Act 1980.
- 2. The Contractor is subject to the matters referred to below, permitted to cross the footway of the highway known as at the following location with vehicles from the until for the purposes of ("the Works").
- 3. The Contractor must ensure that:-
 - (a) Access to the apparatus of statutory undertakers shall be maintained at all times.
 - (b) No mud/rubble whatsoever must be deposited on the highway.
 - (c) The following steps shall be taken to protect the footway.
 - (d)
 - (e)
 - (f) All highway works must comply with the requirements of Chapter 8 of the Department of Transport's Traffic Signs Manual and the New Roads and Streetworks Act 1991 and all other relevant legislation.
- 4. Before commencing the work the Contractor must contact the Engineer's representative Infrastructure Management, telephone number and arrange an appointment on site in order to ascertain the state of the street and footway which will be affected by the work.
- 5. Upon completion of the work or the expiry of this permit (whichever is the earlier) the Contractor must contact the Engineer's representative (see clause 4) to arrange an appointment on site to inspect the condition of the footway.
- 6. The Contractor hereby agrees to restore and make good any damage caused to the footway to the satisfaction of the City Council's Director of Transportation ("the Engineer") and should it fail to do so, the Engineer may carry out the necessary Works and recover all costs and expenses from the Contractor in carrying out such Works.

Condition of Paving

- (a) Before commencement of Works
- (b) After completion of Works

7. This permit must be shown to any police constable on duty when required.

Signed..... Dated.....

D. Pywell
Director of Transportation
Transportation Department
1 Lancaster Circus, Queensway
Birmingham B4 7DQ

Acceptance of Conditions

I, on behalf of the Contractor undertake to observe and perform all the conditions attached to this permit and also to restore and make good the said streets and footways or pay the costs and expenses incurred by the Engineer in so doing.

Signed.....
On behalf of the Contractor

CSO J21017 Ts 12837

