

**A Guide for Members of the
Public Wishing to Undertake Works
Which Involve Excavation in the
Public Highway within the
Metropolitan Borough of Barnsley**



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Private apparatus is defined as, any pipe, duct, cable, or wire installed by, or on behalf of, an **Owner** or **Occupant** of a premises and which, after installation, will remain the property and responsibility of the Owner or Occupant of the premises served by the apparatus.

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To be empowered to install any private apparatus (excluding Sewer Connections to the Public Main) the **Owner** or **Occupant** of the premises must be duly licensed for the installation of that apparatus.

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A Licence is a legally binding agreement between the Licensee and the Highway Authority. It bestows upon the Licensee the status of “Undertaker”. This status provides the Licensee with a number of powers and obligations. Abuse of those powers or failure to fulfil those obligations may result in the licence being revoked and the apparatus being removed or disabled at the licensees’ expense. It may also render the Licensee liable to prosecution.

What are your powers?

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A licence, once issued, empowers the Licensee to:

- a. Install, or have installed on his/her behalf, the specific apparatus identified in the licence at the location identified in the licence.
- b. Retain and use such apparatus for the purpose specified in the licence.
- c. Thereafter to inspect, maintain, repair or replace as necessary such apparatus in order to permit its continued use.
- d. Break open the street and obtain access to the street in the position specified in the licence in pursuance of these powers.

What are your obligations?

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A licence once issued obliges the licensee to:

- a. Pay the necessary inspection charges for each and every occasion when works occur. (For the appropriate charges see the current issue of Charges and Fees leaflet)
- b. Issues the necessary notifications of works, for each and every occasion when works occur, in accordance with the procedures laid down in the New Roads and Street Works Act 1991.
- c. Ensure that the execution of the works, for each and every occasion when works occur, is performed in a satisfactory manner with particular regard to the Code of Practice, “Safety at Street Works and Road Works”.

- d.** Ensure that on each and every occasion when works occur, that such works be supervised by an Accredited Supervisor in accordance with Section 67 of the Act, and that an Accredited Operative is physically present on site whilst works are being performed.
- e.** Indemnify the Highway Authority against all and any claim made by a third party in connection with any aspect of the works.
- f.** Ensure that the highway is permanently reinstated, for each and every occasion when works occur, to the satisfaction of the Barnsley Metropolitan Borough Council Engineer and that such permanent reinstatement shall be guaranteed for a period of not less than 2 years from the date of reinstatement (3 years in the case of excavations in excess of 1.5 metres). The standard of reinstatement to be in accordance with the “Specification for Reinstatement of Openings in Highways” (current edition). It is permissible to perform an Interim Reinstatement but this must be replaced by the Permanent Reinstatement in a period not exceeding 6 months.
- g.** Once installed, to maintain the apparatus in a serviceable condition until such time as the apparatus is removed.
- h.** To notify the Highway Authority in writing prior to any transfer of ownership of the apparatus or the property which it serves.
- i.** To notify any person to whom title, for the apparatus or the property which it serves, passes on the obligations herein stated. Any remaining warranty obligations are to be transferred with ownership.
- j.** To provide, as and when requested by any person having reasonable cause, information regarding the location of the apparatus. Such information to be provided within 10 working days of request.

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You are to complete the Application Form and submit it along with a location diagram, showing the proposed alignment of the apparatus, and a cheque for the Licence and Inspection charge (see Fees and Charges Leaflet for current charges), to Barnsley Metropolitan Borough Council.

A licence will be prepared and sent to the applicant for signature. The applicant is advised to read the document carefully as the terms are legally binding. Failure to comply with the terms of the licence could result in it being revoked and the apparatus being rendered unserviceable, at your expense.

Having read the licence you are to sign both copies, retain one copy for your records and return the other copy to Barnsley Metropolitan Borough Council. Once you have done this you are a Licensee and as such an Undertaker within the meaning of the New Roads and Street Works Act 1991. You are now licenced to place and retain the apparatus specified in your licence in the location specified in the licence and thereafter inspect, maintain, adjust, alter or renew that apparatus.

Please note this does not mean that you may now rush out and dig a hole. As an Undertaker you are required to formally notify the works. See leaflet on Notification, Performance & Registration of Works.

The following leaflets offer additional information and guidance and can be obtained from:

Barnsley Metropolitan Borough Council
Environmental Services
PO Box 601
Barnsley
S70 9FA

General Information	Guide to Obtaining a Licence
Guide to Installing a sewer	Obtaining Special Permission to Excavate
Working on Existing Apparatus and Sewers	6 Guide to Notification, Performance and Registration of the Works
Guide to Charges and Fees	Undertakers Address List

These leaflets are amended from time to time. Please check that the document you are using is current.