

Licence No. :



Hampshire
County Council

Highways Act 1980 - Section 142

Application for a licence to cultivate part of the public highway

Issuing office

Notes to be read by the applicant

1. The applicant shall read these notes, the conditions overleaf and any special conditions attached.
2. The precise location of the area to be cultivated must be stated. The applicant shall also supply a plan which clearly identifies the area to be cultivated which shall be shaded or outlined in red.
3. An application can only be made to cultivate part of the public highway adjacent to premises occupied or owned by the applicant.
4. The applicant must be the owner, or occupier of the premises adjoining the part of the public highway to be cultivated.
5. The applicant shall complete parts 1 to 5 below and the whole application shall be returned to the address shown above.
6. The applicant shall include proof of holding at least £10 million public liability insurance with the application. See condition 4 (overleaf)
7. **A fee will be charged for the administration of this licence. Cheque must be crossed and made payable to Hampshire County Council. No refunds shall be given for a withdrawn licence.**

1. Applicant

Name (and position in company, if applicable)

Company name (if applicable)

Address

..... Post code

Telephone (day/office)

Telephone (evening/out of hours)

2. Location / description of area to be cultivated

Brief description of location of the public highway to be cultivated. Area must also be shown on an affixed plan. Include address of premises adjacent to the part of the public highway that is to be cultivated (if different from above).

.....

3. Period of licence

Date on which licence is to commence

Date by which licence is to cease

4. Licence assignment

Tick one box only. See conditions 1 and 2 overleaf.

(a). Assigned to applicant. (Application can be made by either owner or occupier of the adjoining premises).

(b). Annexed to premises. (Application can be made only by owner of the adjoining premises).

5. Declaration

I hereby apply for a licence to cultivate part of the public highway described above subject to the conditions overleaf and special conditions attached, which I have read and accept

Signed.....Name.....Date.....

For office use only

LICENCE APPROVED: YES* NO*

*delete as appropriate

Signature Name Date

Where approved a licence is granted to cultivate part of the public highway in the above location for the period shown subject to the conditions overleaf and any special conditions attached. failure to comply with such conditions is a criminal offence and will result in the licence being withdrawn.

Conditions of licence
(Made under Section 142 of the Highways Act 1980)

- 1 Where a licence is granted under Part 4(a) over leaf, the licence is granted to the applicant only and is not transferable
- 2 Where a licence is granted under Part 4(b) overleaf, the licensee transfers to successors, in title, of the stated premises. (The successive owners of the premises become the licensees). The licensee shall inform the highway authority, within one month, of any change in ownership of the premises.
- 3 The Licensee shall indemnify the County Council in respect of any third party claims or demands, which may arise from the cultivation of the public highway.
- 4 The Licensee shall effect insurance indemnifying the Licensee and the County Council in the terms of the indemnity set out in condition 4 hereof for the duration of the licence and shall, when required by the highway authority produce evidence of such insurance to the satisfaction of the highway authority. Such insurance shall afford indemnity of not less than £10 million in respect of each and every occurrence or series of occurrences caused by or attributable to any event giving rise to a claim. A completed Appendix 1 form signed by the applicant's insurer/broker shall be submitted with the application.
- 5 Notwithstanding the issue of this licence, no part of the highway may be planted so as to enclose it or to obstruct the public right to pass and re-pass over the highway.
- 6 Any request for an extension to the period for which the licence has been granted MUST BE MADE IN WRITING to the highway authority at least 48 hours (excluding Saturday and Sunday and Bank Holidays) PRIOR to the expiry of the existing licence.
- 7 No hole shall be dug to a greater depth than 2 feet (600mm) in connection with the planting of trees, shrubs or plants covered by this licence, nor shall any hole be dug within 3 feet (1 metre) of the line of any apparatus of Statutory Undertaker, Sewerage Authority or anyone in possession of a telecommunications licence.
- 8 No tree, shrub or plant of a poisonous nature, or otherwise likely to constitute a source of danger to persons or animals on the highway, shall be planted. No tree, shrub or plant shall exceed 2 feet (600mm) in height.
- 9 All trees, shrubs and plants to which this licence relates shall be properly cut, pruned and trimmed at all times during the continuance of this licence and no such tree, shrub or plant shall be allowed to obstruct, overhang or interfere in any way with, or become a danger to passage along the carriageway or footway, or to overhang the premises of any person other than the licensee.
- 10 The licensee shall keep the part of the highway to which this licence relates in a neat and tidy condition. All grass shall be regularly cut.
- 11 The licensee shall not remove any soil or materials from any part of the public highway or otherwise do anything that would interfere with the support given to the rest of the highway.
- 12 Persons authorised by the highway authority or any statutory undertaker, sewerage authority, or holder of a telecommunications licence may at any time enter the part of the public highway to which this licence relates in order to carry out authorised works.
- 13 Nothing in this licence absolves the holder from his responsibilities to maintain access or provide protection to apparatus owned, used or maintained by statutory undertakers, sewerage authorities or anyone in possession of a telecommunications licence.
- 14 If it appears to the highway authority that any tree, shrub, or plant covered by this licence is, or is likely to contravene the requirements of any conditions of the licence, the highway authority may, without notice to the licensee, lop, prune, cut or take any appropriate action to ensure that the requirements of the conditions are met. The highway authority will be entitled to recover reasonable costs incurred.
- 15 The highway authority may, by notice served to the Licensee, terminate the licence
 - (a) on the expiration of such period as may be specified in the notice, being a period of not less than 7 days beginning with the date of service of the notice on the Licensee, if any condition of the licence is contravened by the Licensee;
 - (b) on the expiration of such period as may be so specified, being a period of not less than 3 months beginning with said date, if the Authority consider the withdrawal of the licence necessary for the purpose of the exercise of their functions as a highway authority.
- 16 Where a licence expires or is withdrawn or surrendered, the highway authority by whom it was granted-
 - (a) may remove all or any of the trees, shrubs, plants or grass to which the licence relates and reinstate the highway and may recover the expenses reasonably incurred by them in doing so from the last licensee; or
 - (b) if satisfied that the last Licensee can, within such reasonable time as they may specify, remove such trees, shrubs, plants or grass, or such of them as they may specify and reinstate the highway, may authorise him to do so at his own expense.

Note

- 1. A criminal offence is committed if these conditions are breached.

Appendix 1



Highways Act – Section 142

Application for a licence to cultivate part of the public highway

Insurer’s Certificate of public liability insurance

For works at.....
 Description of works.....

To be carried out by
 Signature Name..... Date.....

On behalf of (applicant / promoter of works).....

We (name of Insurance company).....certify
 that.....(applicant) holds Public Liability Insurance valid for the Period of
 Insurance stated below with this Company of at least £10,000,000 in respect of each and every
 occurrence or series of occurrences caused by or attributable to any event giving rise to a claim. We
 further certify that this insurance has been endorsed to provide an indemnity to Hampshire County
 Council, as the Highway Authority, and (name of applicant).....as the promoter of the
 works during such period of insurance for the duration of those works and the guarantee period as
 defined in the Conditions of the licence application attached, (falling within the said period of
 insurance) in the like manner as the Insured.

The insurers

Name
.....

Address.....

Post code.....

Telephone.....**Policy number**

Period of insurance

(From).....**(To)**.....**(Inclusive)**

Signed by insurer.....**Date**

Official Stamp of Insurer