

OFFICER DECISIONS CHECKLIST

Decision Maker	
Authority Used	
Subject/Decision	
Access	
Contact Person/Number	
Authorised Signatory	
Dated	

Date Received by Delegations Group	
Date checked	
Reasons not processed at this stage:-	
Date agreed for processing	
Date published and initials	

Additional Checks

Authority and decision maker checked against service delegated scheme	
Date added to spreadsheet and initials	

REF No.

%'G) S#S8%/9%,

DECISION RECORD

3 OHDVH FRPSOHWH DOO VHFWRQRV

..... AUTHORITY BY REFERENCE TO
DECISION MAKER (NAME AND JOB TITLE) SCHEME OF DELEGATION/ COMMITTEE REPORT

8Ubbm< UFUbXž< [| \k UmBYk cf_
A UbU Yf

&"HUVY* dUFU fUd\ %\$ fE

SUBJECT

' "' Hc gYY_ Uddfcj U' lc [fUbh U']WbW']b fYgdYVh cZ Ub' Udd]U]cb' Zca' Hc Ybh
7cbgfU V]cb' lc']bgU' bYk' g]cfa' XfU]bU] Y]b' I bWUgg]YX: fUa k Y [UY' K UYfg]XZ
8i fUa '7]hž7ci bhm8i fUa "'

HUVYg'GdYV]WUbX'bcbl!9l YW]j Y'8YY[U]cbg'(-

DECISION

("Hc [fUbh U']WbW']b']bYk]h' Y [g' U]cb' fGYW]cb) S'cZH YBYk' F cUXg' UbX'GhfYYh
K cf_g'5W%- %&h UhdYfa]g'h Y]bgU' U]cb' cZUddUfU] g']b' h Y \ [\k Um]b']bYk]h'
h Y hfa g'UbX'WbX]]cbg']a dcgYXVm h Y < [| \k Um]i h cf]m

If Key Decision insert No.

ELECTORAL DIVISION/S

) "9j YhUbX;]Yg[UY

CONSULTATION – CABINET PORTFOLIO HOLDER, OTHER MEMBERS & DATE

*"Bc Wbgi U]cb' k]h' W] bW]cfcg' E' Wbgi U]cb' k]h' cZ]Wfg'

RECORD OF ANY CONFLICT OF INTEREST DECLARED BY AN EXECUTIVE MEMBER

+ "Bch5dd]WVY

NOTES

- %' H Y fY]YfYbW' Bc" k]~ VY Ugg[bYXVm8Ya cWU]WGYfj]Wg"
&" H Y fY]j UbhdUFU] fUd\ k]h']b' h Y XW]g]cb' a U_ Yfg' XY Y [UY Xdck Yfg' g' ci' X VY]X]b]]YXžcf']ZU
gdYV]W]M] dfYgg' U' hcf]g' U]cb' cZ7ci bV]ž7U]]bY]zcf' U'7ca a]hY' k \]W' XY Y [UY Xh']g' lc' Ub' cZ]Wf'
dfcj]X] h Y XU]žUbX' fYdcf]i'
' "' 5' Vf]Z\ YUX]b []g' ci' X VY]bgYfhX"
(" 6f]YX]U]]g' cZ h Y XW]g]cb' g' ci' X VY]bgYfhX' H']g' bclY' a i' ghgYhici h]h' Y' gi' Vg]UbW' cZ h Y
XW]g]cbgžcd]cbg' W]bg]X]fYXUbX' h Y fYUgcbg' Z' f' h Y WcgYb' cd]cb" HU_ Y W]fY' bchlc' X]j i [] Y'
Ubn]W' a Y fWU' mgYbg]]j Y]bz' fa U]cb" :Z]]g' U? Ym8YW]g]cb']bgYfh h Y Bc"
) "' @gh h Y Y]W]c' fU' X]j]g]cb' g' h' U]k]~ VY UZZ]W]X Vm h Y XW]g]cb'
*" GYhici h]h' Y W]bg] U]cb' nci' \ U] Y i bX]f]U_ Yb' k]h' '7U]]bYhdcf]ž']c' \ c' X]f' UbX' ch' Yfg"
+ " GYY; i]XUbW' I7cbg] U]cb' k]h' Def]ž']c' < c' X]f]"

A NOTE OF DISPENSATION GRANTED BY THE HEAD OF PAID SERVICE IN RELATION TO THE ABOVE CONFLICT

8. Not Applicable

ACCESS TO THE REPORT

Is the report open to the public (Part A) - Yes

9.
Is the report exempt (Part B) – if so please specify the exemption paragraph and the reason for exemption applying the Public Interest Test - No

CONTACT PERSON

CONTACT NO.

David Simpson

03000 267 100

AUTHORISED SIGNATORY

DATE

10. Danny Harland



11.

13/06/2021

This form must be sent electronically to delegations@durham.gov.uk within 24 hours of the decision being made.

NOTES

8. See Guidance "Consultation with Portfolio Holder".
9. Please refer to the Access to Information Requirements that came into force from 1 March 2006 and the internal guidance that has been issued in this respect.
10. Person authorised to make the decision. When sent to democratic services, this will be an electronic signature.
11. Enter the date the decision was made.

Delegated Decision

28 May 2021

**Granting Of A Section 50 Licence To
Install New Storm Drainage in
Unclassified Framwellgate Waterside,
County Durham**



Ordinary Decision/Key Decision No.

Report of Network Management

Danny Harland, Highway Network Manager

Electoral division(s) affected:

Elvet and Gilesgate

Purpose of the Report

- 1 To seek approval to grant a licence in accordance with Section 50 of the New Roads and Street Works Act 1991 (NRSWA) to enable Tolent Construction to install new storm drainage within the adopted highway on behalf of MGH Card LLP.

Executive summary

- 2 An application to install new storm drainage in Unclassified Framwellgate Waterside, County Durham, has been submitted by Tolent Construction, Ravensworth House, 5th Avenue Business Park, Team Valley Trading Estate, Tyne & Wear, NE11 0EF on behalf of MGH Card LLP, 4 Birchley Estate, Birchfield Lane, Oldbury, B69 1DT.

Recommendation

- 3 In line with legislation allowing the installation of apparatus in the highway I suggest the application be permitted in accordance with current practice and procedure.

Background

- 4 It is illegal to dig up the adopted highway without consent of the Highway Authority (Highways Act 1980 Section 131). The installation of apparatus within the highway is permissible under Section 50 of the New Roads And Street Works Act 1991 upon request / consent of the Highway Authority.

Details of any alternative options considered and rejected when making the decision

- 5 As the works are not being undertaken by a statutory undertaker, there is no alternative other than to consider the apparatus as private, until such times as the connections are adopted by a statutory undertaker. Therefore, a licence under Section 50 of the New Roads and Street Works Act is required to authorise and control the proposed works.

Main implications

Legal Implications

- 6 A standard S50 Licence is to be signed by both parties and sealed. Details of the agreement are to be registered with local land charges, as appropriate. The Highway Authority is to record the agreement and inform the utility companies accordingly upon request about private apparatus in the highway

Finance Implications

- 7 A licence fee of £848 has been paid. This licence fee incorporates administration, inspection, registration and legal fees. A bond of £9,000 has been received to cover the reinstatement.

Conclusion

- 8 Decision to grant a licence in line with Section 50 of the New Roads And Street Works Act 1991. This section of the Act permits the installation of apparatus in the highway in line with the terms and conditions imposed by the Highway Authority for County Durham.

Contact:	David Simpson	Tel: 03000 267 100
	Danny Harland	Tel: 03000 263 982

Appendix 1: Implications

Legal Implications

A standard S50 Licence is to be signed by both parties and sealed. Details of the agreement are to be registered with local land charges, as appropriate. The Highway Authority is to record the agreement and inform the utility companies accordingly upon request about private apparatus in the highway.

Finance

A licence fee of £848 has been paid. This licence fee incorporates administration, inspection, registration and legal fees. A bond of £9,000 has been received to cover the reinstatement.

Consultation

Consultations have been completed with relevant Durham County Council staff

Equality and Diversity / Public Sector Equality Duty

Not applicable

Human Rights

Not applicable

Crime and Disorder

Not applicable

Climate Change

N/A

Staffing

Not applicable

Accommodation

Not applicable

Risk

Not applicable

Procurement

Not applicable

Durham County Council - IntraMAP

