

Our ref: LRO35/N5090/8/6
Your ref: BRL/L114317.002

5/13
St Christopher House
Southwark Street
London SE1 0TE

Mr Brian Levy
Fladgate Fielder
Solicitors
Heron Place
3 George Street
London
W1H 6AD

Direct Line: 0171 921 4842
Fax: 0171 921 3959

22 June 1998

Dear *Mr Levy*

RE:ERUV

Thank you for your letter of 28 May about which we spoke on 18 June.

As promised I attach a draft licence which sets out our terms for the placing of the poles in the highway. As you will see, there are some gaps which need to be filled in. In particular, we will need the name of the licensee plus drawings showing the locations of the poles. It will be for us to work out the licence fee payable on execution of the licence and the administration fee in subsequent years and I will let you know what this is following consultation with my Finance colleagues.

I should be grateful if you will let me have a copy of the planning permission in due course.

Should you wish to discuss then please do not hesitate to contact me on the above telephone number.

Yours sincerely

Shelagh E Best

SHELAGH E BEST
London North Team

THE SECRETARY OF STATE
FOR THE ENVIRONMENT,
TRANSPORT AND THE REGIONS

and

LICENCE
under section 50(1) of the
New Roads and Streetworks Act 1991

THE HIGHWAYS AGENCY
London Network Customer Services
St Christopher House
Southwark Street
LONDON SE1 OTE
Ref: LRO35/N5090/8/6

NEW ROADS AND STREETWORKS ACT 1991

SECTION 50

THIS LICENCE is given this day of 199 **BY**
THE SECRETARY OF STATE FOR THE ENVIRONMENT, TRANSPORT AND THE
REGIONS TO *****
whose registered office is at *****

WHEREAS:

(A) The Secretary of State for the Environment, Transport and the Regions is the street authority for the length of the A*** ("the highways") in the London Borough of Barnet shown on the drawings numbered ***** annexed to this Licence ("the plans")

NOW THEREFORE

1. (1) In this Licence:

(a) "the Secretary of State" means the Secretary of State for the Environment, Transport and the Regions and his successors as street authority for the highways; and

(b) "the licensee" means ***** or such person or persons as are for the time being entitled by virtue of this Licence to do anything permitted by this licence to be done.

(2) In clause 3 below, "works" means works under the permission given by clause 2 below and any works in connection with such works.

2. The Secretary of State in exercise of his powers under section 50(1) of the New Roads and Street Works Act 1991 and all other enabling powers hereby permits the licensee at any time after the date of this Licence and subject the conditions in clauses 3 to 7 below-

(a) to place and retain within the highway poles ("the apparatus") at the location shown marked on the plan,

(b) thereafter to inspect, maintain, adjust, repair, alter, renew, remove, or change the position of the apparatus, and

(c) to execute works required for or incidental to works under paragraph (a) or (b) of this clause.

3. The licensee shall:

- (a) carry out any works in a sound and workmanlike manner, to the satisfaction of the Secretary of State and in accordance with plans, drawings, specifications and a timetable approved by the Secretary of State before those works commence;
- (b) to afford the Secretary of State such facilities as he may require, in particular entry upon the site, for inspecting the apparatus and any works, and for observing compliance with this Licence;
- (c) ensure that, while any works are being carried out, the highway is kept free from mud, soil and litter;
- (d) maintain in good repair and condition the apparatus and any other apparatus connected with the apparatus;
- (e) carry out all maintenance, repair and other works under this licence without disturbance to the highway and so that the highway remains open to traffic at all times;
- (f) so far as possible locate and gain access to the apparatus when necessary without entering the highway;
- (g) remove the apparatus from in the highway if the Secretary of State considers that such removal is necessary for the purpose of the exercise of his functions as highway authority for the highway, and serves not less than 6 months notice upon the licensee requiring such removal;
- (h) if the Secretary of State undertakes any work of construction, improvement or repair to or in connection with the highway, pay to the Secretary of State such proportions of the cost of that construction, improvement or repair and the anticipated cost of future maintenance thereof over the ensuing period of fifty years as the Secretary of State may certify to be attributable to the presence in the highway of the apparatus;
- (i) after the apparatus has been placed in the highway the licensee shall not carry out any work to the apparatus within the boundary of the highway unless the Director, London Network Customer Services has given prior approval in writing and such work shall be carried out to his satisfaction;
- (j) where works are authorised in accordance with the preceding condition the licensee shall, give to the Director and the local police, adequate notice of the date and time of the works and the licensee shall comply with any requirements laid down by the foregoing authorities for the purpose of preventing danger or minimising interference to traffic on the highway.

4. If in the opinion of the Secretary of State the licensee is in breach of any provision of this Licence, the Secretary of State may undertake such works as appear to him to be

expedient to ensure compliance with that provision, and the cost incurred by the Secretary of State in undertaking any such works shall be paid to the Secretary of State by the licensee on demand.

5. The licensee may not surrender this Licence except on the expiry of not less than six months' notice to the Secretary of State, and any such surrender shall be without prejudice to any rights of the licensee or Secretary of State arising from anything done or omitted to be done before the date of surrender.

6. Any notice or other document to be served under this Licence shall be sufficiently served -

(a) upon the Secretary of State if delivered at or posted addressed to the Director of London Network Customer Services, The Highways Agency, St Christopher House, Southwark Street, London SE1 OTE quoting reference LRO35/N5090/8/6.

(b) upon the licensee if delivered at or posted addressed to

service by post shall be effected by properly addressing, prepaying and sending the notice or other document by registered post or by the recorded delivery service and shall be deemed to have been effected at such time at which the letter would be delivered in the ordinary course of such post.

7. The rights conferred on the licensee by this Licence may be assigned by the licensee, but only with the consent of the Secretary of State and subject to the obligations placed on the licensee by this Licence.

8. The licensee shall pay to the Secretary of State on execution of this Licence the sum of £ in respect of the Secretary of State's expenses in connection with the grant of this Licence, and on that date and each anniversary of it a fee of £ for administering this Licence during the following year.

SIGNED on behalf of THE SECRETARY OF)
STATE FOR THE ENVIRONMENT,)
TRANSPORT AND THE REGIONS by)

authorised by the Secretary of State)
in the presence of:)
)
)

SIGNED on behalf of *****)
by)
in the presence of)
)
)