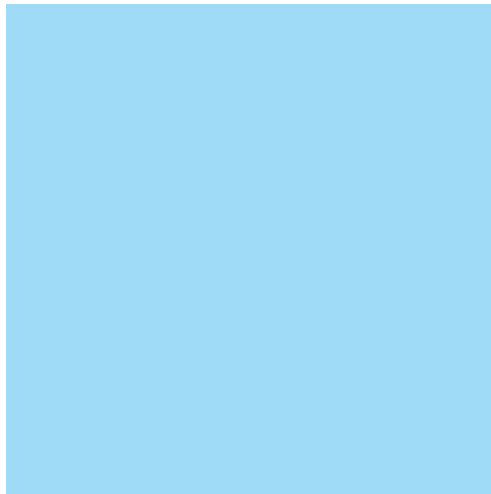




# Builders Skips on the Public Highway Policy

## Traffic & Highways



# Builders Skips on the Public Highway Policy

Version	Date	Author	Rationale
1.0	23/01/2021	Sharon Harrington	New policy, replacing any previous policy in relation to builders skips on the highway
1.1	21/01/2022	Spencer Gray	Annual Policy Review and to include minor updates

Authorised by			
Name	Date	Item	Ref
Cabinet	14/01/2021	737	<a href="#">Agenda for Cabinet on Thursday, 14<sup>th</sup> January, 2021, 2.00 pm (southend.gov.uk)</a>

Next review	Date
1	January 2022
2	January 2025

# Contents

<b>1. Introduction</b>	<b>4</b>
<b>2. Background</b>	<b>5</b>
<b>3. Council position</b>	<b>5</b>
<b>4. Relevant enforcement legislation</b>	<b>6</b>
<b>5. Guidance for Officers (Definition of Highway)</b>	<b>6</b>
<b>6. Siting of skips</b>	<b>6</b>
<b>7. Illegal skips</b>	<b>7</b>
<b>8. Licence periods</b>	<b>7</b>
<b>9. Criteria for skips in the city</b>	<b>7</b>
<b>10. Requirements for registration</b>	<b>8</b>
<b>11. Charges</b>	<b>8</b>
<b>12. Payment of fees and charging</b>	<b>8</b>
<b>13. Recording of information</b>	<b>9</b>
<b>14. Procedure for unlicensed skips</b>	<b>9</b>
<b>15. Application</b>	<b>10</b>
<b>16. Skip licence terms and conditions</b>	<b>10</b>
<b>17. Policy Review</b>	<b>13</b>

# 1. Introduction

Southend-on-Sea City Council's shared ambition to transform the city by 2050 is aligned to five themes, with related desired outcomes: -

- **Pride & joy** - By 2050 Southenders are fiercely proud of, and go out of their way, to champion what our city has to offer;
- **Safe & well** - By 2050 people in Southend-on-Sea feel safe in all aspects of their lives and are well enough to live fulfilling lives;
- **Active & involved** - By 2050 we have a thriving, active, and involved community that feel invested in our city;
- **Opportunity & prosperity** - By 2050 Southend-on-Sea is a successful city and we share our prosperity amongst all of our people;
- **Connected & smart** - By 2050 people can easily get in, out, and around our city and we have world class digital infrastructure.

This builders skips on the public highway policy supports the more specific desired outcomes for each theme, including: -

- Our streets and public spaces are valued and support the mental and physical wellbeing of residents and visitors.
- People in all parts of the city feel safe and secure at all times.
- A range of initiatives help increase the capacity for communities to come together to enhance their neighbourhood and environment.
- We are leading the way in making public and private travel smart, clean and green.

## 2. Background

The Highways Act 1980 mandates that skips cannot be placed on the public highway without the permission of the highway authority who may specify conditions on the placing of the skip in terms of siting, dimensions, reflectivity, signing and guarding, lighting, care of contents and removal.

Permission is not required where the skip is placed wholly on private land.

A skip is defined in this policy as any container designed or able to be transported on a road vehicle for the purpose of storing and removing any form of waste.

Where waste is hazardous or dangerous, further consent may be required from other regulating authorities. The applicant is entirely responsible for ensuring any other consents are in place before the application is submitted, and proof of any consents must be provided along with the application.

A skip licence will set out the standard Terms and Conditions as described in this policy, and any site or user specific conditions the Council may impose, entirely at its discretion, these may include; -

- The siting of the skip
- Its dimensions, colour, or construction material
- The use of lids and locks
- The way it is lit and guarded
- The timing of its delivery and removal

Where emergency circumstances arise, or where the presence of the skip presents a nuisance or danger to other road users, the Council may, without notice, require its immediate relocation or removal, amending or withdrawing the licence.

## 3. Council position

This is a statutory power exercised by the Authority and delegated to Traffic and Highways.

## 4. Relevant enforcement legislation

Highways Act 1980	S.139	Control of builders skips
	S.140	Removal of builders skips
	S140A	Builders skips charge for occupation of the highway
	S140B	Builders skips; charge determined by reference to the duration of occupation of the highway
	S140C	Regulations under section 140A and 140B

## 5. Guidance for Officers (Definition of Highway)

“Highway” in this instance is defined as either;

- Footway, verge and carriageway maintained at public expense
- The surface layers of any area considered to be a public right of way (including un-adopted streets) but not any areas of private land or private road that do not form a right of way

A public right of way is determined as any roadway or footpath that is not maintained at public expense, is not designated as Private and – under common law – is defined as follows;

*“A highway is a way over which all members of the public have the right to pass and re-pass. Their use of the way must be as of right, not on sufferance or by licence”.*

A private road is considered to be one signed as such or one that is closed to public by means of barrier or gate (or possibly simply by the presence of a barrier or gate). The onus on proof of a highway being classed as private lies with the landowner making the claim.

The definitive record of Highways Maintained at Public expense is held by the Council, and is published online at <https://www.southend.gov.uk/directory/54/publicly-maintained-highways>

## 6. Siting of skips

Skips should be placed on the carriageway, parallel to the kerb line, in a manner that does not obstruct the passage of vehicles or pedestrians and that allows for appropriate sight lines to be maintained.

Skips should not be placed in no loading zones, bus stop clearways, bus lanes, on double yellow lines or on zig-zag approaches to crossings.

Where a skip is placed on the public highway (inclusive of grass areas/verges), suitable protection to the surface in the form, of plywood sheets (or similar approved) should be laid first before the skip is placed.

## 7. Illegal skips

The Highways Act mandates that;

- the skip is properly lighted during the hours of darkness [and, where regulations made by the Secretary of State under this section require it to be marked in accordance with the regulations (whether with reflecting or fluorescent material or otherwise), that it is so marked];
- the skip is clearly and indelibly marked with the owner's name and with his telephone number or address;
- the skip is removed as soon as practicable after it has been filled;

Any skip that does not comply with the above is unlawful and can be removed by the authority.

## 8. Licence periods

Unless otherwise expressly agreed, a skip licence will be valid for up to 21 days. In certain areas, the Council may require a shorter licence period, or other specific conditions.

During the licence period, the Council may inspect the site, ensuring the Terms and Conditions of the licence are being adhered to. Subsequent action entirely at the discretion of the Council may include; -

- Verbal or written warning
- Imposition of additional specific conditions
- Revocation of the licence and a requirement to immediately remove the builders skip
- Enforcement action using Fixed Penalty Notices, or prosecution.

At all times, the applicant is wholly responsible for the skip, its contents and impact on the public highway or any of the conditions set out in this Policy, regardless of any disputes with a third party.

## 9. Criteria for skips in the city

Skips within the City should meet the following criteria over and above that required by the Highways Act;

- Delivered before 8.00am and not removed until after 5.30pm
- Placed on plywood sheet boarding to prevent damage to surfaces.
- Have their exact location agreed with a member of the Highways team.

## 10. Requirements for registration

Southend Highways Authority requests that all skip companies operating within the city register with the authority, and provide the following details

- Registered name of the company
- Registered address of the company
- Name of the company owner
- Address of the company owner
- Name of the company as it appears on the skip
- Companies House Registration Number
- VAT Reference Number
- Public liability insurance
- Environment Agency Waste Carriers Licence
- VOSA Goods Vehicle Operators Licence

All registered companies operating within the district will be displayed on the council's website.

## 11. Charges

Charges will be reviewed annually as part of the Council's fees and charges budget setting.

Fees and charges will be based on: -

- Skip Licence Fee
- Illegal Skip Fee
- Non-Compliant Skips

## 12. Payment of fees and charging

Prompt payment of fees and charges by skip companies is expected.

Charges will be levied by invoice on a monthly basis based on how many skips placed per calendar month plus annual registration fee in each April invoice.

Any company who does not comply with the Councils standard terms and conditions for payment will be referred to Sundry Debtors for collection.



## 13. Recording of information

All licenced skips on the highway network are to be recorded on the Symology system, which is to be used as the de facto licence register. These will then appear on the <https://one.network/> website.

## 14. Procedure for unlicensed skips

If a skip is found unlicensed on the Highway the following procedure should be undertaken;

The skip should be photographed, clearly showing any identifying marks and the location of the skip on the highway.

If there are no obvious markings on the skip itself, a statement should be obtained from the resident/company who ordered the skip ascertaining where it has been procured from. This statement should include names/telephone numbers and email addresses of the company who has placed it. If a receipt has been issued, a copy should be obtained where possible.

The company should be approached to either remove the skip immediately, or to pay a retrospective licence fee.

Where it has been identified that a company has placed 5 or more skips on the Highway consecutively without obtaining a licence or paying retrospective fees then a case should be prepared for prosecution via Legal Services.

The following information is required.

- Dates and times that each skip was found on site.
- Statements from procuring residents/business naming the company the skip was procured from
- Excerpts from the licence register for the relevant date span showing the lack of licence.
- A letter under caution must then be sent to the owner of the skip company, via recorded mail asking why the skips were placed on the highway without a relevant licence, requesting a reply within 7 working days of the recorded receipt of the letter.

Upon receipt of reply – or if no reply has been received after 7 working days – the Head of Service will make a decision as to whether a formal prosecution is undertaken.

In all cases where prosecution is considered, intelligence regarding the company in question will be shared with bordering authorities, and details of the offences will be provided to VOSA and Environment Agency respectively for relevant licencing breaches

# 15. Application

The Council will only consider applications from waste management operators who in addition to retaining a Skip Operator Licence, demonstrate; -

- They retain all relevant operating licences
- Valid Public Liability Insurance, of a value not less than £10 million pounds for any single claim
- There is no evidence of repeated or serious breaches of the Terms and Conditions within the past 12 months.

Applications are submitted online via the Council website (<https://www.southend.gov.uk/parking-travel-roads/skip-licence-operator>).

An application must be submitted at least 10 working days in advance, unless in an emergency which must be agreed in advance. Applications will not be considered when submitted on a Saturday, Sunday or public holiday.

Once an application is received, the Council will consider any specific conditions which may be required in addition to the Terms and Conditions.

If an application is approved, confirmation and the licence will be sent electronically to the applicant.

Where further information is required, or an application is rejected, the Council will contact the applicant to explain the reasons and whether any alternative options would be considered.

# 16. Skip licence terms and conditions

These Terms and Conditions are associated with a licence issued by Southend-on-Sea City Council for the placing of a skip on the public highway. A licence is valid only when these Terms and Conditions are adhered to.

## **Applicant**

1. The applicant retains a Skip Operator Licence and any other associated licences and is not otherwise excluded from applying for a Skip Licence.
2. The applicant has provided evidence of Public Liability Insurance of not less than £10 million for any single claim.
3. The correct fee has been paid to the Council, as set out in the Annual Fees and Charges Review.

## **Skip**

4. The skip dimensions do not exceed 5 metres in length, and 2 metres in width, unless other specific conditions are set out on the licence.
5. The skip is constructed of a suitable material and is maintained such that it can accommodate the weight of any materials to be placed within it, and to enable safe loading and unloading from the road vehicle.
6. The skip is painted yellow, and permanently marked with the owner's name, address and contact telephone number.

## **Prohibited Uses**

7. Unless otherwise expressly approved, no skip licenced under these Terms and Conditions shall be used to store or dispose of any material which is inflammable, explosive, noxious, otherwise hazardous or dangerous, waste which is likely to putrefy or become a nuisance to other road users.
8. The skip must not be loaded higher than the upper limit permitted by the manufacturer recommendation, or otherwise beyond the upper edge of the skip.
9. No temporary boarding or netting is permitted to provide additional loading capacity, either by height or overhang.
10. A skip must not be used as a container for setting or maintaining a fire as a method to dispose of waste.

## **Applicant Responsibility**

11. Any liquid or material spillages onto the public highway, both from the skip itself, or activity associated with its loading, must be removed, and properly disposed of.
12. Where dust is likely from a skip, the material must be properly 'damped down' and / or a suitable cover be provided, and used. Any cover must not obstruct any lower sides or edges of the skip to as to obscure any safety equipment or the applicant name and contact details.

## **Positioning**

13. The skip must not be placed closer than 150mm from the nearside kerb edge, so as not to obstruct drainage, and not greater than 300mm to minimise the impact on traffic flow.
14. No drains, manhole and utility covers or any other form of access chamber is to be obstructed.
15. Unless otherwise expressly agreed, no part of the skip shall be placed;
  - a) Within 15m of a road junction or 45m of a road junction with traffic lights
  - b) Within 45m of a pedestrian crossing, refuge or island located within the centre of a carriageway

- c) On a carriageway marked with zig-zag markings in the vicinity of a pedestrian crossing or school entrance
- d) Within any part of the carriageway subject to an Order prohibiting waiting for any period, unless expressly agreed with the Council, and in such circumstances, the applicant should anticipate additional restrictions on the duration a skip may remain in that location
- e) At or near a bend or in any other part of the highway where it would create a danger to road users
- f) Where it would obstruct the visibility of any traffic sign or warning device
- g) On a footway, verge or cycle track
- h) Within a disabled persons parking place

### **Signing, Lighting and Guarding**

16. The skip must meet the relevant standards, as set out in the [Builders Skips \(Markings\) Regulations 1984](#) and associated British or European Standards as may be relevant.
17. The requirements for signing, lighting, and guarding as set out in [Chapter 8 of the Traffic Signs Manual](#) must be met, with the minimum requirements set out below; -
- a) not less than two amber lights, one placed at each end of the skip on the offside
  - b) if not located within a line of regularly parked vehicles, a series of cones placed at a 45 degree angle from the outer edge of the skip, to the nearside kerb.

### **Removal**

18. The skip will be removed not more than two working days after it has been filled, or as soon as is practical, whichever is sooner.
19. Any materials or liquids remaining on the public highway once the skip has been removed, will be cleared and disposed of by the applicant.
20. Any damage or defect to the public highway resulting from, and identifiable once the skip has been removed, must be notified to the Council within one working day.

### **Miscellaneous**

21. If the skip is to be located within an off-street car park, operated by the Council, an additional charge may be applied for the suspension of a parking bay. Not less than two bays will be required to protect other car park users.
22. The Council may inspect the site of a skip at any time, and without notice. Where defects are found, the applicant must make arrangements for any defects to be rectified within 12 hours, or before nightfall where related to safety equipment, or otherwise as directed by the Council.
23. Notwithstanding any of the provisions in these Terms and Conditions, the Council reserves the right to amend or withdraw the licence entirely at its discretion.

# 17. Policy Review

This policy is a living document and will be reviewed and updated if/when statute or national standards or best practice requires it. This policy will be reviewed after 12 months of operation and then every 3 years.

## Review Summary

Version	When Reviewed	Summary of Changes Made
V1.0	Jan 2022	Section 3: now delegated to Traffic and Highways Section 6: 3 <sup>rd</sup> paragraph amended Section 9: removed closed and lockable Section 12: updated payment information Section 13: updated web link Section 15: changed to 10 working days Section 16: now £10 million public liability

Working to make  
lives better  
[www.southend.gov.uk](http://www.southend.gov.uk)

