



# Terms and Conditions

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## **1. Introduction**

1.1. This Skip Management Procedure has been produced to enforce Highways Act 1980, Traffic Management Act 2004 legislation to formalise and control the placements of skips across Birmingham.

1.2. The Council view the control of licensed obstructions on the highway as a key objective in delivering its network management duty by improving congestion management ensuring the safety of the public. To assist in resourcing this objective it is now common practice for Authorities to charge fees for considering such applications to place skips on the highway.

## **2. Background and Legislation**

2.1. Birmingham City Council is the Highway Authority for all roads (other than motorways and trunk roads) that are maintainable at public expense within its boundaries. The highway includes carriageways, footways, footpaths and verges.

2.2. Under Section 139 of the Highways Act 1980, Birmingham City Council has the authority to permit companies to place skips on the highway. It is a criminal offence to place a skip on a highway without permission from the Highway Authority.

2.3. Section 140 gives the Highway Authority the powers to remove or reposition skips placed on the highway.

2.4 Other relevant legislation includes;

- Traffic Signs (Temporary Obstructions) Regulations 1997
- The Road Traffic Regulation Act 1984: Sections 64, 65.
- The Builders Skips (Markings) Regulations 1984
- The Local Authorities (Transport Charges) Regulations 1998

## **3. Registration of a Skip Company**

3.1. Before a company can place a skip on the highway, they need to register with Birmingham City Council.

3.2. The company's details will be held on an electronic register and the City Council will require the following information for registration. All information must be up to date:

- Details of the company name and address;
- Contact details including telephone, mobile, email and fax information; to cover 12 month period from date of application
- Evidence of public liability insurance £5million minimum;
- Evidence of current waste carrier's licence;
- Preferred method of payment (visa / debit / invoice)

3.3. The completed registration form will generate a unique number which will allow access to the skip permit database. Registration will be renewed annually from date of application or whenever the operator licence or public liability insurance expires.

3.4 The skip permit database will allow registered companies to apply on-line for a skip permit and record their whereabouts.

3.5 Permits are valid for a period of 7 days after issue. Skip operators must ensure that the skip is removed prior to or on the permit expiry date.

3.6 The permit allows multiple skip placements within 7 days but only one at a time.

#### 4. Fees and Charges

4.1 Permit charges for skip placements on the highway – year March 2019 to March 2020

Registration fee	No Charge
Permit fee	£ 20 for 7 day permit
Retrospective Permit	£ 190 for 7 day permit
Removal and disposal of non permitted skips	£ 220 per skip (or reasonable costs incurred ) *

\* This may result in a fine following conviction in a Magistrates Court.

## **5. Criteria for Non-issue of Skip Permit**

5.1. Instances where skip permit applications may be refused include where:

- the proposed placement would be on red routes or traffic sensitive streets within traffic sensitive times
- the location would clash with other identified street works activities to the detriment of the movement of traffic
- insufficient details of the skip location have been provided
- the application is made by a company not registered with the City Council

## **6. Terms and Conditions of Skips Placements**

6.1. No skip shall be positioned:

- on the footway.
- on a grass verge or planted area.
- on a Central reserve.
- on a traffic roundabout.
- on disabled parking pays.
- on taxi ranks.

6.2. No skip shall be positioned on the carriageway:

- within 15 metres of a junction.
- Within the loops of a traffic signal controlled junction.
- On school or pedestrian crossing zig-zag markings.
- Or to interfere with sight lines of motorists.
- Or to obstruct the visibility of accesses, road signs ect.
- Or in a designated parking bay (without prior suspension)

6.3. Skips will not be placed over or obstruct accesses to highway or utility apparatus.

6.4. No skip will be deposited in, or partly in, the carriageway of the road preventing the free passage of vehicles or pedestrians along the carriageway in at least one direction. Nor will it prevent the free passage of pedestrians when deposited in a pedestrian precinct area.

6.5. No skip will be deposited in, or partly in, the carriageway of the road preventing the free passage of vehicles and or pedestrians to any premises unless the consent of the occupier of those premises has been obtained.

- 6.6. If a skip is to be positioned in a narrow street, it must be placed such that emergency vehicles and refuse collection vehicles can gain safe access to all properties.
- 6.7. Skips will not exceed 3.75 metres in length and/or 1.8 metres in width. Roll on roll off skips will not be permitted.
- 6.8. Each skip must when on the highway be marked, guarded and lit in accordance with the Department for Transport's Builders Skips (Markings) Regulations 1984.
- 6.9. Markings shall consist of two plates of equal size and the same shape as one another. All skips will display the company name address and contact telephone number and be in good order.
- 6.10 Each such plate shall comply with the requirements specified in the British Standard Specifications for Rear Marking Plates for Vehicles issued by the British Standards Institution and published on 1st April 1970 under number BS AU152: 1970 and shall be marked as provided in paragraph 5 of that standard.
- 6.11 The two plates comprising the marking shall be securely attached to the end of the builder's skip in such a manner that:
- Each plate is as near to an outer edge of the skip as the construction of the skip allows, so that no part of any plate projects beyond an outer edge of the end of the skip;
  - The innermost edge of each plate is parallel to and the same distance from the vertical plane passing through the longitudinal axis of the skip;
  - The upper edge of each plate is parallel to and the same distance from the upper edge of the end of the skip;
  - No part of either plate is attached to;
    - Any lid, or
    - Any door except in a case where a door is the only place to which the plate can possibly or conveniently be fixed.
    - The upper edge of each plate is:
      - Not more than 1.5 metres from the ground,
      - Not lower than the upper edge of the skip save in so far as this may be necessary on account of the construction of the skip.

- 6.12. Each skip will be guarded by a line of at least four traffic cones complying with BS.873: Part 8 1985, placed on the carriageway at 1.5 metre centres on the approach side of the skip, at 45° to the edge of the carriageway. Where two or more skips are deposited in a row, so that the distance between adjacent skips does not exceed 2 metres, the row must be guarded as if it were one skip.
- 6.13. At night (i.e. between half-an-hour after sunset and half-an-hour before sunrise), a lamp must be placed against or attached to each corner of the skip, or the end corners of the row of skips where two or more skips are deposited in a row and the distance between these skips does not exceed 2 metres.
- 6.14. A lamp must also be placed between each cone and the lamps must comply with the Traffic Sign Regulations and General Directions 2002. Each must have an illuminate power of not less than 1 candle and must remain lit throughout the night.
- 6.15. It is a condition of permission that all necessary cones and lamps are provided for the customer's use by the skip operator and all are in good working order.
- 6.16. The skip owner / operator shall ensure the customer is informed of the signing and lighting requirements in case any problems occur while the skip is on hire. The skip operator must make sure that the necessary cones and lights are placed in position immediately the skip is deposited on the highway.
- 6.17. Each skip must be clearly and legibly marked with the owner's name, address and telephone number including an out of hours emergency contact number.
- 6.18. No skip in the highway will contain any inflammable, explosive, noxious or dangerous material or any material that is likely to putrefy or become a nuisance to users of the highway. It is the skip operator's responsibility to inform their customer.
- 6.19. No skip will be used in such a way that any of its contents fall on to the highway or there is an escape of dust from the contents of the skip when standing on the highway. It is the skip operator's responsibility to ensure that their customers are made fully aware of the skip fill levels any spillage onto the highway is to be immediately removed by the skip operator's

- 6.20. Skips will be removed for emptying as soon as practicable and in any case not later than two working days after the customer has requested removal or before its permit expires.
- 6.21. All materials placed in skips must be properly disposed of and the highway where the skip or skips have been deposited must be left in a clean and tidy condition on the expiration of this permission.
- 6.22. Damaged cause to the highway during the placing or removal of a skip will result in the Authority undertaking the necessary repairs and recharging the operator the reasonable cost
- 6.23. In accordance with Highways Act 1980, the skip operator must secure compliance with these requirements whilst the skip is on the highway.

## **7. Actions Following Issue of Permission**

- 7.1 At any time after the issue of a permit giving permission under Section 139 of the Highways Act 1980, the City Council may inspect the permitted skip to check whether the skip hiring company has complied with the conditions of the permit.
- 7.2 Nothing in this procedure limits Birmingham City Council to one inspection, and the City Council may carry out further inspections at any time as it deems necessary.
- 7.3 If any of the conditions in the relevant permission are not being complied with, Birmingham City Council may :
- Instruct that the skip company comply with the conditions;
  - Instruct that the skip company remove or alter the position of the skip.
- 7.4 Nothing in this procedure shall prevent the City Council taking any action it deems appropriate in the interests of highway safety.
- 7.5 Companies who are found to be non-compliant with this guidance note may be removed from the skip register and/or result in legal action being taken under the Highways Act 1980.



## 8 Non-compliant Skip Placements

8.1 The Council may exercise its powers under Section 140 of the Highways Act 1980 to remove a skip where:

- the skip placed on highway would cause damage / injury to highway users
- no permit is in place
- the skip permit has expired.
- the skip does not conform to required standards

Failure to comply with the request to remove or reposition a skip may Result in a fine following conviction in the Magistrates Court.

8.2 The City Council will consider whether to inspect the site where the skip was placed. Any consequential damage caused to any part of the highway may result in legal action being taken.

8.3 The City Council may inspect the site to ensure that the skip sides are parallel to the edge of the carriageway and as near to the edge of the carriageway as is reasonably practicable;

8.4 The City Council may inspect the site to ensure that the skip does not impede the surface water drainage of the highway nor obstruct access to any manhole or the apparatus of any statutory undertaker of the Council;

8.5 Where the skip or skips occupy highway space upon which there is a traffic regulation order relating to charging for on street parking, the skip operator must reimburse the City Council for loss of income (for example city centre and local shopping areas). An agreement is to be obtained between the skip company and the City Council before a licence will be issued. Where a third party may be involved it is the responsibility of the skip company to organise any payment and the relevant authority will be reimbursed directly and independently of the skip licence payment.

8.6 Skips will not usually be placed on a highway that has a traffic regulation order restricting the parking of vehicles on that section of highway. Where a skip is to be located in an area subject to a residents parking scheme, the skip will be positioned outside the property of the resident hiring the skip.

8.7 Where the signing and lighting requirement stipulated for a skip is more onerous than the standard layout then the company should seek advice from the City Council (Highways) regarding the most appropriate way to proceed.

Section 66: Builders' skips: charge for occupation of the highway for unreasonable period  
.175.Sections 139 and 140 of the Highways Act 1980 set out arrangements for controlling the placing and removal of builders' skips in the highway.

176.Section 74 of NRSWA enables the Secretary of State to make regulations imposing a charge on undertakers where street works in a maintainable highway overrun a reasonable period. Section 74 was amended (by section 256 of the Transport Act 2000) so as to widen the regulation making power (in particular as regards the service of notices).

177.Schedule 8 to the NRSWA amended the Highways Act 1980 to insert section 140A of the Highways Act 1980. Section 140A has not been brought into force. Section 140A makes provision for similar arrangements to be made in respect of builders' skips as are provided in respect of street works under section 74 of the NRSWA (prior to its amendment by the Transport Act 2000).

178.Section 66 substitutes a new section 140A into the Highways Act 1980, to provide for a widening of the regulation making powers in respect of builders' skips. The new section 140A is reasonably similar to section 74 of NRSWA as amended by the Transport Act 2000.

179.The new section 140A(1) provides that the Secretary of State may make provision by regulations requiring the owner of a builder's skip deposited on a maintainable highway to pay a charge to the highway authority in cases where the period of the occupation of the highway exceeds such period as may be prescribed by the Secretary of State in regulations and a reasonable period.

180.The new section 140A(2) provides that a reasonable period means a period agreed between the owner of the skip and the authority or, if agreement cannot be reached, a period determined by arbitration.

181.The new section 140A(9) enables regulations made under the inserted section to provide that the authority are to set the rate of charge, up to a prescribed maximum, and that different rates of charge may be set according to such factors as the highway authority considers relevant.

182.The new section 140A(15) enables the regulations to make provision in respect of the application by authorities of the sums paid by way of charges, and for the publication and the keeping of accounts of sums paid by way of charges.

183.The new section 140A(16) provides that the regulations may create a level 4 offence (attracting a maximum fine of £2,500) where the relevant person fails to give a notice, or to provide information, in accordance with the regulations.

184.The new section 140A(17) enables the regulations to prescribe that where a skip is the subject of hiring agreement or hire purchase agreement of a type prescribed in the regulations, it is the person in possession of the skip that is subject to the requirements of the regulations.

185.The new section 140A(18) enables the regulations to make provision in relation to the deposit of a series of skips, rather than just a single one.

186.The new section 140A(19) enables the regulations to provide that such a series of skips may be treated as a single skip (for instance if a skip was deposited and then removed several times as it became full up).

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