

Terms and conditions

To deposit a builder's skip on the highway

SECTIONS 139, 140, 140a & 171, HIGHWAYS ACT 1980

Definitions:

<i>Licensor</i>	Devon County Council. Referred to as 'the Council' throughout this document.
<i>Licensee</i>	The individual or company given a licence by the Council.
<i>Standard licence</i>	Application made with 10 working days notice.
<i>Emergency licence</i>	Application made with less than 10 working days notice due to an emergency situation.
<i>Emergency</i>	An occurrence involving public safety which demands immediate action.
<i>Working days</i>	Monday to Friday excluding bank holidays
<i>Skip</i>	Bulk container to be placed on the highway for the disposal of building materials, rubbish or other things

Legislation:

Highways Act 1980:

Section 139 of the Highways Act 1980, states that:

"A builders' skip shall not be deposited on a highway without the permission of the highway authority."

Section 140 of the Highways Act 1980, states that:

"The highway authority... may require the owner of the skip to remove or reposition it or cause it to be removed or repositioned. Any expenses... may be recovered from the owner of the skip"

Section 140a of the Highways Act 1980, states that the owner of a builder's skip deposited on the highway may be required:

"to pay a charge to the highway authority where, (a) the period for which the skip remains in the highway exceeds such period as may be prescribed, and (b) the skip is not removed within a reasonable period."

Section 171 of the Highways Act 1980, states that:

"A person may, with the consent of the highway authority for a street that is a highway maintainable at the public expense, temporarily deposit building materials, rubbish or other things in the street"

Terms and Conditions:

Licensee:

A licence to place a skip on the highway will only be issued to a company or individual who satisfy the Council's competency requirements for working on the public highway.

Prior to the placing of the skip, the licensee must inform their client of the Council's terms and conditions.

Licence duration:

- Licences are limited to a period of 28 days.
- The licensee may apply to extend the licence for a further period.
- Work may not commence until the date specified on the licence.
- The skip should be removed as soon as the licence has expired or once no longer required.

Public Liability Insurance:

The licensee must at all times be covered by Public Liability Insurance which:

- Has minimum cover of £5 million.
- Indemnifies the Council from and against all actions, claims, losses and expenses whatsoever in respect of loss of life or personal injury or damage to property, howsoever caused, arising out of or in any way attributable to the presence of the skip.

The insurance certificate must be available for inspection by the Council on request.

Competency requirements:

To meet these standards, personnel involved must be trained and accredited in accordance with:

- Chapter 8 of the Traffic Signs Manual
- 'Safety at Street Works and Road Works – A Code of Practice'

The licensee must have at least:

- (a) One accredited supervisor (who does not have to be on site) and
- (b) A minimum of one accredited operative on site at all times when the work is being carried out.

Traffic management:

Traffic management arrangements such as the use of temporary traffic signals and temporary road closures will be agreed, through the application process, with the Council. If required, the applicant must apply for a temporary road closure in accordance with the Council's procedures. Extra restrictions may be imposed by the Council on routes designated as traffic sensitive, for instance the timing of erection and dismantling of the structure. Traffic management must comply with Chapter 8 of the Traffic Signs Manual.

Location and positioning:

The skip must not prevent the free passage of vehicles or pedestrians in at least one direction.

The skip must not impede surface water drainage

The longer sides of the skip must be parallel to, and as close to the edge of the carriageway as reasonably practicable

If the skip occupies a pay-and-display parking space, the Licensee must pay the Council for use of the parking space before the licence will be issued.

Access to premises:

The licensee must consult with any business or resident affected by placement of the skip, and provide access to any affected property, unless consent has been obtained from the property owner or occupier.

Access to apparatus:

The licensee must protect or provide access to any apparatus belonging to the highway authority, to a statutory undertaker or to another third party as is reasonably requested.

Delivery and removal:

The skip must be removed as soon as practicable, and in any case no longer than 2 working days, after it has been filled.

The skip must comply with the appropriate Motor Vehicles (Construction and Use) Regulations when carried on a vehicle.

Once the skip has been removed, the highway must be left in a clean and tidy condition.

Lighting:

The skip must be properly lit at all times between half an hour after sunset and half an hour before sunrise.

In addition the Council requires adequate lighting during fog.

Road danger lamps must be placed on the structure in accordance with the current version of:

- 'Safety at Street Works and Road Works – A Code of Practice'
- TSRGD (Traffic Signs Regulations and General Directions)
- British Standard for "low intensity battery operated lamps": BSEN 12352:2006

At least four lamps (one at each corner) must be fixed securely to the skip or suspended from the corners, in accordance with Traffic Signs Manual Chapter 8 Part 2: Operations, Appendix 4.1.

Where 2 or more skips are deposited in a row where the distance between skips is 2 metres or less, the row must be lit as if it were one skip.

Guarding:

The skip must be guarded in accordance with:

- 'Safety at Street Works and Road Works – A Code of Practice'
- TSRGD (Traffic Signs Regulations and General Directions)
- Traffic Signs Manual Chapter 8

The skip must be guarded by a line of cones at 1.2 m centres on the approach side, set at 45° to the edge of the carriageway, in accordance with Traffic Signs Manual Chapter 8 Part 2: Operations, Section O3.29.

Where 2 or more skips are deposited in a row where the distance between skips is 2 metres or less, the row must be guarded as if it were one skip.

Size:

The skip must be no larger than 5 metres in length and 2 metres in width, in accordance with Traffic Signs Manual Chapter 8 Part 2: Operations, Appendix 4.1.

Markings and condition:

The skip must be marked in accordance with the 'Builders' Skips (Markings) Regulations 1984'. Details of these regulations are in Appendix 1 of these terms and conditions.

The skip must be clearly and permanently marked with the owner's name, address, telephone number and 24-hour emergency contact number.

The skip must be kept clean and not be damaged in any way.

Advertisements:

No advertisement of any kind shall be displayed in any way, on or from the skip. This includes fly posting and graffiti.

Contents:

The skip must not contain anything:

- Inflammable
- Explosive
- Noxious
- In any way dangerous
- Which may decay, decompose, or rot
- Which is, or is likely to become, a nuisance to highway users

The contents of the skip must not fall onto the highway

Dust from the skip must not fall onto the highway

Damage to the public highway:

Any damage to the street caused by the Licensee will be made good by the Council at the expense of the licensee in accordance with the provisions of Section 133 of the Highways Act 1980.

Payment

Licence fees are non-refundable

Non-compliance with Terms and Conditions:**Revocation of a licence:**

The Council has the right to revoke the licence at any time if any of the terms and conditions subject to which the licence has been granted are not complied with.

Unless there is an obvious immediate risk to public safety, identifiable by one of our officers, the Council will inform the licensee by written notice giving 5 days to remove the skip.

The Council has the power to remove the skip if the licensee fails to respond to the written notice, or if there is an obvious immediate risk to public safety. The expenses incurred by the Council in removing the skip shall be recoverable from the licensee.

Report to Health and Safety Executive (HSE):

The Council will report instances of non compliance to the HSE where there is concern for public safety.

Report to Trading Standards:

The Council may report instances of non compliance to Trading Standards where there is either a concern for public safety or the supply of a service under the Supplied Goods and Services Act.

Temporary Suspension:

The Council may refuse to issue further licences until the non-compliance has been resolved. For instance, this may be addressed through provision of documentary evidence for public liability insurance or accredited personnel for Chapter 8 signing, lighting and guarding.

Audit:

The Council may undertake periodic compliance checks with applicants, requesting documentary evidence and/or additional site visits.

Website links

Department for Transport Traffic Signs Manual

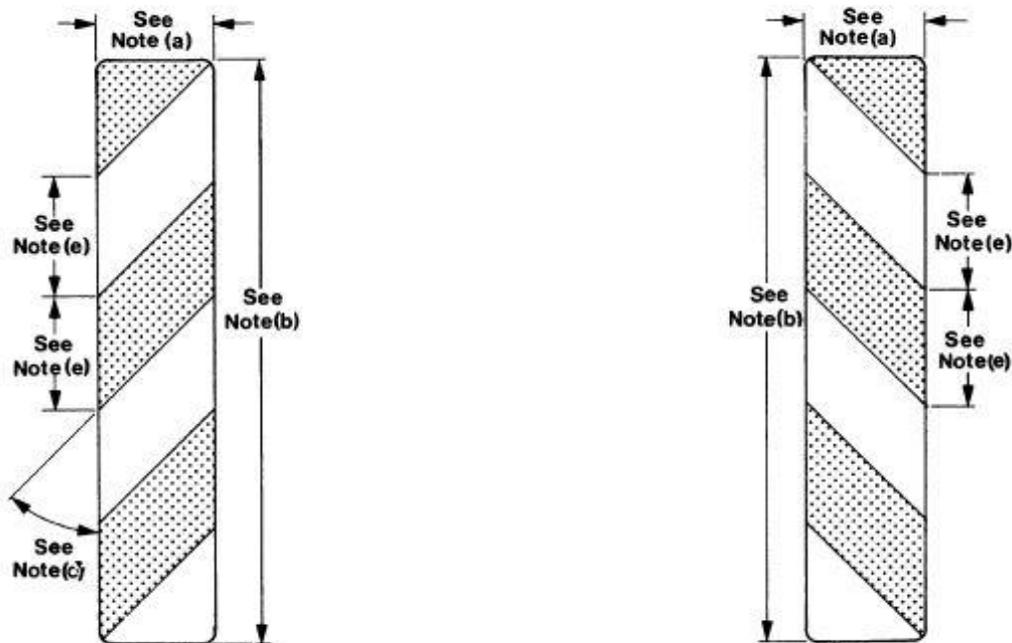
<https://www.gov.uk/government/publications/traffic-signs-manual>

Safety at Street Works and Road Works Code of Practice'

<https://www.gov.uk/government/publications/safety-at-street-works-and-road-works>

Appendix 1 - Builders' Skips (Markings) Regulations 1984

Schedule 1 - Specifications about design



(a) The width of each half of the markings shall be not less than 140 millimetres nor more than 280 millimetres.

(b) The length of each half of the marking shall be not less than 350 millimetres nor more than 700 millimetres.

(c) The angle of each stripe shall be not less than 40 degrees to the vertical nor more than 50 degrees to the vertical.

(d) Each half of the markings shall have a minimum area of 980 square centimetres.

(e) The breadth of each stripe shall be not less than 133 millimetres nor more than 147 millimetres.

Schedule 2 - Requirements as to Markings

1. The markings specified in Schedule 1 shall consist of two plates of equal size and the same shape as one another.

2. 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.

3. The two plates comprising the marking shall be securely attached to the end of the builder's skip in such a manner that:

(a) each plate is as near to an outer edge of the skip as the construction of the skip allows, so, however, that no part of any plate projects beyond an outer edge of the end of the skip;

(b) 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;

(c) the upper edge of each plate is parallel to and the same distance from the upper edge of the end of the skip;

(d) no part of either plate is attached to;

(i) any lid, or

(ii) any door except in a case where a door is the only place to which the plate can possibly or conveniently be fixed; and

(e) the upper edge of each plate is:

(i) not more than 1.5 metres from the ground, and

(ii) 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, the provisions of Regulations 4 or the provisions of sub-paragraph (i) above.

4. The stippled areas in the diagram in Schedule 1 shall be of red fluorescent material, and the un-stippled areas in that diagram shall be of yellow reflex reflecting material.