

# Planning Transportation and Highways – Policy Document

## Skips

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### 1 Background

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

### 2 Council Position

This is a statutory power exercised by the Authority and delegated to Highway Enforcement Officer/Traffic Officer level and above.

### 3 Relevant Enforcement Legislation

<b>Highways Act 1980</b>	<b>S.139</b>	Control of builders skips
	<b>S.140</b>	Removal of builders skips
	<b>S.140A</b>	Builders skips charge for occupation of the highway
	<b>S.140B</b>	Builders skips: charge determined by reference to duration of occupation of the highway
	<b>S.140C</b>	Regulations under sections 140A and 140B

### 4 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 Highway Maintained at Public expense is held by The City of Bradford MDC Highway Records Officer - Anisah Naz — 01274 433707 – [anisah.naz@bradford.gov.uk](mailto:anisah.naz@bradford.gov.uk)

### **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 zigzag approaches to crossings.

Where a skip is placed on a block paved, or flagged area, suitable protection to the surface in the form, of plywood sheets (or similar approved) should be laid first before the skip is placed.

### **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.

### **Licence periods**

Skips are to be licensed for a period of **14 working days**, with the following exceptions;

- |  |   |
|--|---|
| • On carriageways less than 4.5m wide kerb to kerb   | <b>5 working days,<br/>timed to waste<br/>collections</b> |
| • Within the city centre area (bounded by the inner ring road A6181 and A650)                                      | <b>5 working days</b>                                     |
| • On sections of the West Yorkshire Key Route Network in Bradford District (List to be supplied to skip companies) | <b>7 working days</b>                                     |
| • Full Skips   | <b>Immediate<br/>Removal on<br/>request</b>               |

Other time restrictions can be applied at the discretion of the Highway Authority.

### Specific requirement for skips in the City Centre Area

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

- Be closed and lockable.
- 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.

### Requirement for Registration

Bradford MDC requests that all skip companies operating within the district 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.

### Fees and charges <sup>1</sup>

**Skip Licence Fee** **£25.00**

#### Illegal Skip Fee

Skips deposited on the highway with no prior notification.  
Administrative costs incurred in identifying the skip company and processing a retrospective application. **£105.00**

#### Non-Compliant Skips

In circumstances where a skip is found to be non-compliant.  
Administrative costs incurred in recording the issue and contacting the skip company requesting remedial actions **£55.00**

### **Payment of Fees and charges**

- Prompt payment of fees and charges by skip companies is expected.
- Charges will be levied by invoice on a monthly basis until such time as new payment methods (BACS, Credit/Debit Card & Online payments) are available. <sup>2</sup>
- Any company who does not comply with the Councils standard terms and conditions for payment will be referred to Sundry Debtors for collection.

### **Recording of Information**

All licenced skips on the highway network are to be recorded on the Symology Insight system, which is to be used as the de facto licence register. These will then appear on the roadworks.org website. <sup>3</sup>

## **5 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 Principal Engineer, Network Resilience and Management 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

## 6 Notes

<sup>1</sup> Fees and periods as of 1<sup>st</sup> July 2018. These are subject to change on an annual basis

<sup>2</sup> New payment methods to be introduced during the 2018/19 financial year.

<sup>3</sup> Or relevant recording/logging system as mandated by DfT and linked to from the Authority's website.

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