

TECHNICAL SERVICES DEPARTMENT
CONTAINERS ON THE HIGHWAY
SECTION 171 HIGHWAYS ACT 1980

INTRODUCTION

This Guidance Note has been prepared to assist container operators in complying with their legal obligations when placing containers on the highway.

In addition, the Guidance Note provides information on Wirral Council's powers as highway authority to control the manner in which containers are placed on the highway and sets out the conditions to be met before consent will be granted.

Wirral Council will take appropriate action to ensure that the safety of highway users is not affected by the placing of containers on the highway.

THE LEGAL POSITION

The placing of containers on the highway is controlled principally through the provisions of Sections 171 of the Highways Act 1980. Further legislation is contained in the Builder's Skips (Markings) Regulations 1984.

Under the Highways Act 1980, a container cannot be deposited on a highway without the permission of the highway authority. For clarification purposes the highway is made up of the road, the pavement and if applicable the grass verge. Where a highway authority grant permission, it can impose upon the person to whom permission is granted certain conditions, including conditions relating to:-

- (a) the siting of the container,
- (b) its dimensions,
- (c) the manner in which it is to be coated with paint for the purpose of making it immediately visible to oncoming traffic,
- (d) the care and disposal of its contents,
- (e) the manner in which it is to be lighted and guarded,
- (f) its removal at the end of the period of permission.

The specific requirements of Wirral Council, the highway authority, are set out in the following conditions which will apply to each permit granted.

CONDITIONS TO BE MET BY THE OWNER OF A CONTAINER

1.0 SITING OF THE CONTAINER

- 1.1 a container deposited on the carriageway shall be positioned so as not to impede the surface water drainage nor obstruct access to any manhole, access chamber or the apparatus of any statutory undertaker or the Council.
- 1.2 A container shall not be deposited on the footway or highway verge unless by prior agreement by the Council.
- 1.3 No container shall be deposited within 20 metres of a highway junction, or within the zig-zags of a 'Pelican' or 'Zebra' crossing.
- 1.4 No container shall be deposited so that it blocks access to any premises by an emergency or service vehicle.
- 1.5 No container shall be deposited on or partly on the carriageway of the road so as to prevent the free passage of vehicles along the carriageway in at least one direction.
- 1.6 No container shall be deposited on or partly on the carriageway of the road so as to prevent the free passage of vehicles and/or pedestrians to any premises unless the consent of the occupier of those premises has been obtained.
- 1.7 Container hire companies must produce annually a copy of their:-
 - (i) Public Liability Insurance to indemnify the Council against any claims – minimum £5,000,000.
 - (ii) Licensed Waste Carrier Certificate issued by The Environment Agency.

2.0 DIMENSIONS OF CONTAINER

Wirral Council must be advised of the dimensions of the container at application stage.

3.0 COLOUR AND MARKINGS OF CONTAINERS

A container deposited on the highway shall comply with the following requirements:-

- 3.1 Each end of the container which faces the traffic shall be painted yellow (or suitable bright colour).
- 3.2 The ends of each container (that is the sides of the container facing traffic in both directions when it is positioned) shall have attached vertically along the outside edge of each end so as to be visible to traffic, a strip of material the composition of which complies with the Builders Skips (Markings) Regulations 1984 in having broad red fluorescent and yellow reflecting diagonal stripes. (See Part Two, Schedule 1, Diagram A1). The painting and stripes shall at all times be kept clean. Damaged containers are not acceptable and will result in a container being required to be removed.
- 3.3 Each container shall have marked clearly and indelibly the name, address or telephone number of the owner of the container including an out of hours emergency contact number on each side of the container.

4.0 CONES AND LIGHTING AT NIGHT

- 4.1 During hours of darkness (i.e. between half an hour after sunset and half an hour before sunrise), a traffic lamp in working order shall be placed against or attached to the skip.

Traffic lamps shall comply with the Traffic Sign Regulations and General Directions. Each traffic lamp shall have an illuminate power of not less than 1 candela and shall remain lit throughout the hours of darkness.

- 4.2 All necessary traffic lamps provided for customers use by the container owner shall be in good working order. If the container is unlit for any reason and the Council are called out to provide lamps then the container owner will be charged for all costs incurred by the Council.
- 4.3 The container owner must ensure that if the container is to remain on the highway during the hours of darkness (see 4.1), lamps are placed in position.

5.0 **GENERAL CONDITIONS**

- 5.1 No container when standing on the highway shall contain any inflammable, explosive, noxious or dangerous material or any material which is likely to putrefy or which otherwise is, or is likely to become, a nuisance to users of the highway.
- 5.2 No container shall be used in such a way that any of its contents fall onto the highway, or there is an escape of dust from the contents of the container when standing on the highway.
- 5.3 Each container shall be removed for emptying as soon as practicable and in any case not later than 1 working day after it has been filled.
- 5.4 No container shall remain on the highway once the permit expiry date is exceeded and any operator wishing to extend the period must submit a new permit application to the Council for the additional period.
- 5.5 The highway where the container or containers have been deposited shall be left in a clean and tidy condition on the expiry of the permission.
- 5.6 A container owner shall secure compliance with these conditions whilst the container is on the highway.
- 5.7 Nothing in this section is to be taken as authorising the creation of a nuisance or of a danger to users of a highway or as imposing on a highway authority by whom a permission has been granted under this section any liability for any injury, damage or loss resulting from the presence on a highway of the skip to which the permission relates.
- 5.8 A business must not hire a container and locate it on the highway outside their business for use to store rubbish generated from their business activities. A container must be used at each individual location.

6.0 **REMOVAL OF CONTAINERS**

- 6.1 Regardless of whether permission has been granted for the depositing of a container on a highway, Wirral Council or a Police Constable in uniform can require the owner of the container to remove or reposition or cause it to be removed or repositioned. The person required to remove or reposition it shall comply with the request as soon as practicable.
- 6.2 Any expenses incurred by Wirral Council or the Chief Constable in removing or repositioning the container may be recovered from the container owner.
- 6.3 Where a container is placed on the highway without permission the owner of the container is guilty of an offence and liable to a fine not exceeding level 3 on the standard scale C (currently £1000.00).
- 6.4 Where a container is deposited on a highway in contravention of any or all of the above requirements, Wirral Council reserves the right to remove the container store and/or dispose of it and recover all expenses in so doing from the owner of the container.

Containers Conditions and Regulations

Part Two:

A. Department of Transport's Builders Skips (Markings) Regulations 1984

Schedule 1 (Regulation 3) Specifications about design

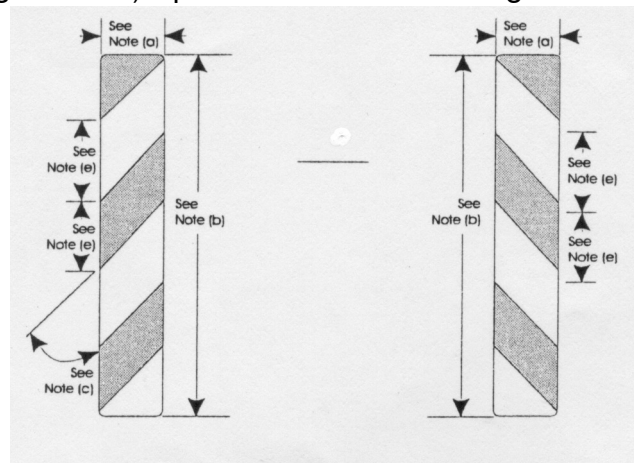


DIAGRAM A1

Notes:

- (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 (Regulation 3) 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 container in such a manner that:
 - (a) each plate is as near to an outer edge of the container as the construction of the container allows, so, however, that no part of any plate projects beyond an outer edge of the end of the container;
 - (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 container;
 - (c) the upper edge of each plate is parallel to and the same distance from the upper edge of the end of the container;
 - (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 container save in so far as this may be necessary on account of the construction of the container, the provisions of Regulations 4 or the provisions of sub-paragraph (i) above.
4. The stippled areas in Diagram A1 in Schedule 1 shall be of red fluorescent material, and the unstippled areas in that diagram shall be of yellow reflex reflecting material.

UNLIT AND UNMARKED CONTAINERS PLACED ON THE HIGHWAY

A. CONTAINERS IMPROPERLY MARKED AND PAINTED

Any containers found without the necessary markings or a container found to be in the ownership of one operator but displaying the markings of another, will be removed from the highway and the operator will be charged for any removal/tipping costs incurred by the Council.

The same will apply to any container found to be in poor condition or where the ends of the container which face the traffic are not painted yellow (or a suitable bright colour).

B. CONTAINER NOT PROPERLY GUARDED AND LIGHTED

Day time (Between 0900 and 1700 Hrs)

Operator will be informed and will be given two hours to place appropriate cones and lights. Failure to respond will result in either the container being removed or made safe by the Council at the operator's expense.

Operator will be invoiced for all call out charges incurred by the Council outside above office hours.

C. CONTAINER NOT PROPERLY PERMITTED

Any container found on highway without the consent will automatically be permitted by the Council.