

WIRRAL COUNCIL
TECHNICAL SERVICES DEPARTMENT

GUIDANCE AND CONDITIONS FOR SKIPS LOCATED ON THE HIGHWAY

INTRODUCTION

This guidance and conditions has been prepared to assist skip operators in complying with their legal obligations when placing builders skips or containers on the highway.

In addition, the guidance outlines Wirral Councils powers as a highway authority to control the manner in which skips are placed on the highway and sets out the conditions to be met before a permit will be issued and during the period a skip is sited on the highway.

THE LEGAL POSITION

The placing of skips on the highway is controlled principally through the provisions of Sections 139 and 140 of the Highways Act 1980. Further legislation is contained within the Builder's Skips (Markings) Regulations 1984 and Traffic Signs Manual - Chapter 8. Skip companies should ensure that they are familiar with and comply in all aspects with these any other relevant legislation and guidance.

Under the Highways Act 1980, a builder's skip must not be deposited on a highway without the permission of the highway authority. Where a highway authority grants permission, it can impose upon the person to whom permission is granted certain conditions, including conditions relating to:-

- (a) the siting of the skip,
- (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, as the highway authority, are set out in the following conditions, which will apply to each permit granted.

CONDITIONS FOR SKIPS PLACED ON THE HIGHWAY

1.0 SITING OF THE SKIP

- 1.1 Each skip shall be deposited on the carriageway and 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 skip shall not be deposited on the footway or highway verge unless agreed in writing by the Council.
- 1.3 Skips will not normally be allowed to be deposited on the highway within 20 metres of a highway junction either adjacent or opposite, or within the zig-zags of a 'Pelican' or 'Zebra' crossing. If this condition cannot be met advice should be sought from the Council before placing a skip in these locations.
- 1.4 No skip shall be deposited so that it blocks access to any premises by an emergency or service vehicle.
- 1.5 No skip shall be deposited on or partly on the carriageway of the road so as to prevent the free passage of vehicles along the carriageway.
- 1.6 No skip 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 Skip hire companies must have and maintain Public Liability Insurance with a minimum value of £5,000,000 and annually provide a copy to the Council
- 1.8 Skip hire companies must have and maintain a Waste Carriers Licence issued by the Environment Agency and provide a copy to the Council every three years or upon request

2.0 DIMENSIONS OF SKIP

Each skip shall not exceed 5 metres in length and 2 metres in width.

3.0 COLOUR AND MARKINGS OF SKIPS

A skip deposited on the highway shall comply with the following requirements and the ends of the containers shall be marked as follows:-

- 3.1 Both ends of the skip which face the traffic shall be painted yellow; and,
- 3.2 Markings complying with the Builders Skips (Markings) Regulations 1984 and with Specification BS AU 152 shall be provided adjacent to the outer edge of each end of the container (see part **A** in Appendix below).
- 3.3 Each skip shall be clearly and permanently marked with the owner's name and a contact telephone number (an out of hours emergency contact number must also be clearly marked if different from the contact number above).

4.0 CONES AND LIGHTING

- 4.1 Skips should be guarded and lit to comply with the Traffic Signs Manual - Chapter 8. During the hours of darkness provision should be made for four lamps (one at each corner) to be fixed securely to the skip or container (see part **B** in Appendix below). These warning lamps should be in accordance with BS EN 12352:2006. Each lamp must remain lit throughout the hours of darkness.
- 4.2 All warning/traffic lamps used shall be maintained in good working order throughout the period the skip is placed on the highway. If the skip is unlit for any reason and the Council are required to provide lamps, then the skip owner will be re-charged for all costs incurred by the Council.

5.0 GENERAL CONDITIONS

- 5.1 No skip placed 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 skip shall be used in such a way that loading of the skip presents a hazard to other highway users, or that any of its contents may fall onto the highway, or there is an escape of dust from the contents of the skip when being loaded or standing on the highway.
- 5.3 Each skip 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 skip shall remain on the highway after the permit expiry date and any operator wishing to extend the period must submit a new permit application to the Council for the additional period.
- 5.5 All materials placed in a skip shall be properly and legally disposed of and the highway where the skip is deposited shall be left in a clean and tidy condition on removal of the skip.

- 5.6 It is the skip owner's responsibility to ensure compliance with all conditions at all times whilst the skip 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 Skips should not be used by a business, outside their premises, as storage for waste generated from their normal business activities as an alternative to proper arrangements for the storage and disposal of commercial waste. Skips should not be used as a central depository for waste collected from other remote locations.
- 5.9 The skip operator is liable for any damage resulting from the placing or leaving of a skip on the highway.
- 6.0 ENFORCEMENT OF CONDITIONS AND REMOVAL OF BUILDERS SKIPS
- 6.1 Regardless of whether permission has been granted for the depositing of a skip on a highway, Wirral Council or a Police Constable in uniform can require the owner of the skip to remove or reposition it 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 skip may be re-charged from the skip owner.
- 6.3 Operators depositing skips on the highway without a permit or leaving skips on the highway after a permit has expired are guilty of an offence and liable to a fine not exceeding level 3 on the standard scale (currently £1000) on conviction. As an alternative to prosecution the Council may, in certain circumstances, accept a retrospective permit application provided the appropriate retrospective fee is paid.
- 6.4 Operators depositing improperly marked and painted skips may be prosecuted. If appropriate, skips may be removed from the highway and the operator charged with all reasonable costs incurred in doing so.
- 6.5 Operators depositing improperly guarded or lit skips. During the normal office hours the operator will be informed and given 2 hours to rectify the matter. Outside normal office times the Council will attempt to contact the Operator via the out of hours number provided by the operator and given 1 hour to rectify the matter. Failure to respond can result in the skip operator being prosecuted. The skip/container may be correctly guarded/lit by the Councils emergency call out contractor and the operator charged with all reasonable costs incurred in doing so.
- 6.6 If a skip is deposited on a highway in contravention of any of the above conditions or requirements, Wirral Council may remove the skip, store and/or dispose of it and recover all expenses in so doing from the owner of the skip.

APPENDIX

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

Schedule 1 (Regulation 3) Specifications about design

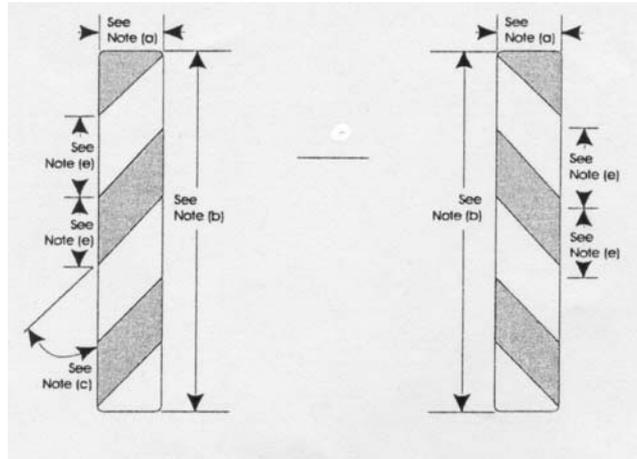


DIAGRAM A1

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 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 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.

B. Requirements for Guarding and Lighting Builders Skips

1. During the hours of darkness the skip must be lit by means of warning lights at each corner, see Traffic Signs Manual - Chapter 8 Part 2: Operations Section 04.7 on the use of warning lights.
2. The skip may also be guarded by a line of cones at 1.2m centres on the approach side set at 45 degrees to the edge of the carriageway see paragraph 3 below. If cones are used, during the hours of darkness, a warning lamp must be placed on each cone in accordance with Traffic Signs Manual Chapter 8 Part 2: Operations Section 04.7.
3. Skip companies are advised to consider the use of cones where a skip is located on the highway if the following circumstances apply;
 - (a) within 20m of a junction, either adjacent or opposite;
 - (b) within the zig-zags of a 'Pelican' or 'Zebra' crossing;
 - (c) on busy traffic routes;
 - (d) on bus routes;
 - (e) in locations where the maximum speed restriction is greater than 30mph;

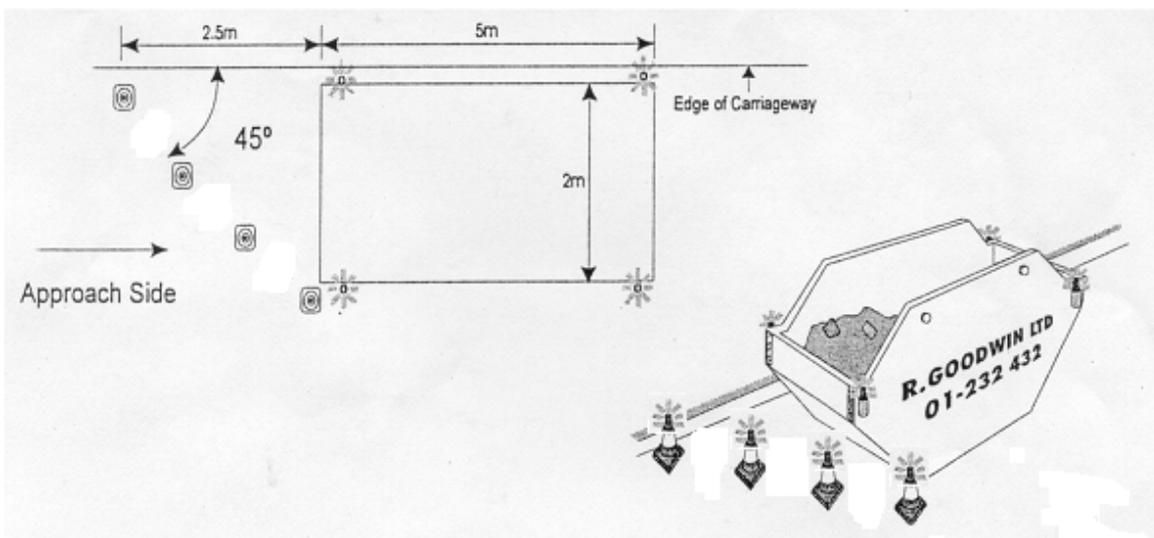


DIAGRAM B1

WIRRAL COUNCIL
TECHNICAL SERVICES DEPARTMENT

APPLICATION FORM
FOR PERMISSION TO OBTAIN SKIP PERMITS BY FACSIMILE/EMAIL

Name of Operator:

Address:
.....
.....
.....

Telephone No: Day Time: Out of Hours:

Name of Person
Making Application:

Commencement
Date:

I wish to apply for permission to obtain skip permits by facsimile/email.

I confirm that I have read and understand Wirral Council's Guidance and Conditions for placing skips on the highway and agree to comply with them fully.

I confirm the above operator/company have and will maintain valid Public Liability Insurance to the value of no less than £5,000,000 (copy to be enclosed)

I confirm the above operator/company have and will maintain a valid Waste Carriers Certificate issued by the Environment Agency (copy to be enclosed)

I confirm that skips deposited on the highway are properly guarded and lit during the hours of darkness and that they are removed promptly at the end of the permit period or when the skip is full, whichever is earlier.

Signed by.....on behalf of.....(Skip Operator)

Dated.....

NOTE: This permission is valid for a period of 12 months starting from the commencement date above.