



**POLICY FOR
THE MANAGEMENT AND
LICENSING OF SKIPS AND
EQUIVALENT WASTE CONTAINERS
LOCATED ON THE PUBLIC
HIGHWAY**

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POLICY FOR THE MANAGEMENT AND LICENSING OF SKIPS AND EQUIVALENT WASTE CONTAINERS LOCATED ON THE PUBLIC HIGHWAY

1.0 Introduction

The Policy - This policy sets out the requirements relating to management of applications for permission to place a skip (or equivalent waste container) on the public highway. It explains why there is a need to control and manage items placed on the highway, the issues to be considered and the conditions that apply when a licence is granted. The policy has been defined in order to increase clarity and consistency across the county in the management of skips placed on the public highway.

Current situation – Thousands of skips for the managed disposal of large volumes of waste are placed on Kent's roads annually, creating both a potential hazard and cause of congestion on our roads. The high number of skips placed, increasing traffic volumes and existing road conditions in Kent demand that conditions are specified at the time permission is given. This demonstrates the need for continued formal licensing (or permitting) of skips as outlined in this policy, at a minimal charge, in order to be able to fully consider the safety and disruption factors for highway users whilst the skip is in place, when carrying out our duties as a highway authority. The policy also supports progressive active monitoring and enforcement of skips licences.

Responsibilities – Certain duties are placed on Kent County Council (KCC) as the relevant Highway Authority in the County of Kent. Kent Highway Services on behalf of KCC is responsible for maintaining the highway and also must ensure that the highway is available for the public to use, to travel freely on the highway without obstruction, ensuring also that skips not obstruct drainage, sight lines or road traffic signs and that the area is safe. S130 Highways Act 1980 states the highway authority has a duty to 'assert and protect the rights of the public to the use and enjoyment of any highway' and S.16 Traffic Management Act 2004 states that it is the network management duty of the local traffic authority to 'secure the expeditious movement of traffic' where traffic includes all groups of highway users. These acts together place an obligation on us to ensure that we regulate items placed on the highway to minimise risk and to make sure that there are no severe hazards particularly for the visually impaired, for those with mobility problems, the elderly and those with young children. We must consider all aspects that affect traffic flow and the effects and duration of any disruption on all highway users.

Powers – KCC has certain powers with respect to skips under S139 of the Highways Act 1980, which grants us as a highway authority control of builders skips by requiring that permission be obtained from the highway authority before the skip is placed on the highway. Skip operators must apply to Kent Highway Services who grant permission on behalf of KCC in the form of a recorded licence (or permit) for each skip location. Conditions may be specified for each skip as appropriate on the licence; these may include exact location, time windows for delivery and collection, limited duration on site due to other planned works etc. Skips may not be placed without a licence and S140 of the Highways Act gives us the power to remove skips from the highway, wherever there is a need to do so.

2.0 Requirements and Considerations for Licences

Requirements and fees for applications – Certain requirements must be met by skip operators in applications, separately from considering the safety of the proposed location and these are detailed in the licence for the applicant's attention. These include the need for £5 million public liability insurance, the need to indemnify the council against all claims, provision of a clearly marked skip (high visibility markings and owner identification) and payment of licence fees (currently £20 per week or part week). The weekly charge as set by HAB was effective 1st Dec 2008 through 2009/10 year and is currently proposed to remain unchanged – this level of fee helps to meet costs of administering the system, but is not as great as would deter the majority of operators from complying with licensing and their conditions.

Site considerations and applicable legislation – As part of the approval process the location for the skip will be assessed as to whether it is suitable. This process includes many legislative considerations. Health and Safety here primarily considers major risks likely when loading and unloading and actual site location, S17 of the Crime and Disorder Act 1998 is instrumental in considering the effects of siting, to reduce crime and perception of crime and Ch 8 Traffic Signs Manual (revised 2009) is used as guidance for the safe guarding of skips especially where traffic management is required. The process will include ensuring the skip does not pose a hazard to footway users, that there is adequate width for the anticipated type of traffic (2 way, unless traffic management is appropriate and reasonable, or if the street is one way) and considering any possibility of obstruction, impaired visibility, clash with other street activities, general risk assessment for the site and access for Emergency vehicles. Due to the increasing volume of skips and our Network Management duty under the TMA, placing of skips is being considered in similar terms to a temporary works site when co-ordinating activities on the highway and this can only serve to improve our performance as a Highway Authority. The majority of skips are placed for a short duration – days or one to two weeks, and prompt removal from site is to be actively encouraged. Where skips cannot be placed safely as requested, an alternative site or date may be offered or the application refused.

Conditions of licence – A licence must be obtained before the skip is placed on site and will include general conditions such as skip identification and marking (Building skips (Marking) Regulations 1984), permitted and excluded types of waste and its transfer (Environmental Protection (Duty of Care) Regulations 1991, load level and guarding and lighting of skip, it will also include any special condition referring to that site and/or the skip occupation time(s) for that site. Maintaining a valid licence is dependent on abiding by all set conditions.

3.0 Education, Monitoring and Enforcement

Education – This has been identified as a key factor in improving standards for skips on the highway and is being integrated into KHS web pages, public information and licensing procedures. The public are not fully aware of the need to use reputable skip companies and the need for licensing skips on the highway - by improving their understanding, helping them to make an informed decision on their supplier, this will help to raise standards of operators placing skips on the highway. By working with operators too, increasing their awareness of highway issues and encouraging prompt removal, we can reduce potential hazards and causes of congestion and disruption.

Recording of skip licences – All licences are recorded for monitoring and reference which assists with handling of enquiries or complaints and processing of renewal applications. Licences are obtained by the skip operator, and do not rely on householder knowledge of this requirement, which allows us further opportunities to increase compliance across the county, as we work closer with operators and aim to increase their understanding of how skips affect highway safety and users of the highway. Application for licences via an online system is being developed and will be the preferred method of application when in operation to improve recording methods, increase efficiency and improve the service to the skip operator.

Handling of complaints and enquiries – Any complaints received regarding skips placed, will be investigated and resolved with the operator (where known). By involving operators more in future in enquiries and complaints, improving their awareness of highway issues and feeding back on their performance as an operator on the highway, the aim is to raise standards of operators placing skips on the highway, reduce times on site and help to reduce fly tipping of waste on the highway. Records will be kept of offending operators to show where we need to concentrate on repeat offenders, where further action is necessary and more positively where direct contact has had a desirable effect.

Random inspection - Inspections will be carried out by local inspectors at regular intervals, checking skips in the area for valid licences and compliance, operators will be contacted directly, usually by phone and licences/ compliance requested straight away, this may include repositioning or removing the skip as appropriate.

Skips without licence - If any skip is placed upon the highway without a licence, upon identification, the operator will be required to immediately apply for a licence and pay the respective charges – including for the time already spent on the highway. Local investigation will be carried out as necessary, to find out from local residents (or in some cases from identifying skip contents) the hirer and from them, the owner of the skip where this is not known. On occasion where the operator cannot be identified, the skip will be removed by KHS.

Repeat offenders - Where there are shown to be repeated offences, we reserve the right to refuse an operator permission to place skips on the highway. Unless there is an immediate urgent problem, the applicant will be served with up to two written notices/warnings to comply. A failure to still comply will result in a third communication indicating that action will be taken. Where individual circumstances dictate we can remove offending skips and recharge costs to operators where known. In exceptional circumstances, where we have a persistent offender operating in Kent, we have the option to prosecute the skip operator.

4.0 Conclusions

Effective management of skips on the highway is dependent on a formal licensing arrangement and KHS need to continue with the licensing system currently in use for KCC, developing and improving processes as needs arise.

Education of public and skip operators is key to improving the management of skips on the highway, improved levels of applications for licences and reduced levels of crime, especially waste related like fly tipping, and just as importantly, perception of crime.

The combined approach for skips of education and feedback, licensing and enforcement, will help us raise safety standards on the highway and improve highway availability. The licence document itself and working practices will be subject to regular review and update in pursuit of this aim.

References

Highways Act 1980

Traffic Management Act 2004

Environmental Protection (Duty of Care) Regulations 1991

The Disability Discrimination Act 1995

Crime and Disorder Act 1998

Buiders' Skips (Markings) Regulations 1984