

## **Skip Licence Guidance**

### **Introduction**

A skip can be placed on private property, e.g. a residential driveway without a licence. However, a licence is required to place a skip on a highway all roads which North Yorkshire County Council as the Highway Authority is responsible for maintaining. This is all roads within the County of North Yorkshire, with the exception of Trunk Roads and Motorways which are managed by the Highways Agency. The Highway includes roads, footways, footpaths, verges and back streets.

This is so that:

- We can ensure the location does not present any safety issues for users of the highway.
- We can fulfil our duty as the Highway Authority to record skips on the Street Works Register and to coordinate the timing of planned highway works and the activities of Statutory Undertakers (SU).

### **Eligibility**

Only Skip Operators can be licensed to place a skip on the highway. We require Skip Companies who wish to obtain a skip licence to register with us to ensure that licences are only issued to reputable companies. There is no fee for inclusion on the NYCC register of Skip Companies. This registration from the company needs to be renewed annually.

To register with the Council as a Skip Company you will need to complete the 'Register as a Skip Company' form. In completing and submitting this form, the company has agreed to the terms and conditions presented in highway legislation and in the Skip Policy Document. This form requires you to provide the following information:

- Company name and contact details
- A copy of the Public Liability Insurance certificate (a minimum of £5 million)
- Waste Carrier's Licence (WCL) details as the County Council will normally only grant skip licences to a company that is registered with the Environment Agency as a waste carrier.

If someone who is not a registered waste carrier applies for a skip licence, the County Council may need applicants to provide further information to determine the application. Consideration will be given to representations and information provided by the applicant as to why they should be granted a licence and how they intend to remove and dispose of the waste in a lawful manner. This will normally be considered before a decision is made on the application. Where the County Council takes the view that an applicant is, or may be, committing a criminal offence we will report the applicant to the Environment Agency or other relevant prosecuting authority.

Please note that:

- Submission of the 'Register as a Skip Company' form does not automatically register you as an operator. Applications will be reviewed to ensure the validity of information provided. You will be notified of registration, or if your registration is declined, informed of the reasons for this. As soon as registration is confirmed a company may apply for a skip licence as appropriate.
- Registration only proves to the Council that your company is reputable. It does not allow a skip to be placed on the Highway. Each individual location for a skip must be checked by the Council to ensure that it is suitable.
- It is your responsibility to ensure your documentation is up to date.

### **Duration of Licence**

A licence is issued for two weeks as situations do change; we may be notified of street works by a utility company or road closures may be required. A separate application is required for an extension to a skip licence. The conditions of the original licence will also apply to the extension

and an additional fee will be payable. When we receive an extension application we will check the location and dates again to see if the licence extension can be permitted.

Three working days notice must be given before placing of the skip on a highway, unless an early start has been arranged (which will incur an additional fee).

### **Application**

The County Council needs some information to grant authorisation for a skip to be placed within the Highway. Your application will only be considered complete when the County Council has received:

- Completed and signed application form
- The method of payment of the Licence fee/ receipt of the correct payment fee
- Three working days notice must be given before the date a skip is to be placed on a highway, unless an early start has been previously arranged.

On receipt of both new and renewal skip licence applications we will check your application to ensure:

- All required information has been provided and that the correct payment has been returned. Your application will only be considered complete when the County Council has received all the information requested.
- There are no current or proposed Street Works or Road Works to be carried out on the date/location of your request.
- If we consider the skip will interfere with any works we will normally negotiate with you for the skip to be placed on the highway on different dates.

### **Assess**

- We will assess the location where you wish to place the proposed skip to check whether the placement of the skip at the proposed location represents a safety hazard.

### **Determine if a licence can be issued**

We will normally process and decide if a licence can be issued within 3 working days unless issues need to be resolved.

- If we need to attach conditions to the licence, we will inform the licensee of what those conditions are.
- If issues are found with the application we will seek to address these with the applicant. If the issues cannot be addressed we may have to refuse authorisation for the licence.

### **Fees**

The County Council cannot proceed with the application until it has received the correct payment for the application. Skip licence fees are subject to review and are published on the county council's website at: [www.northyorks.gov.uk/highwayfees](http://www.northyorks.gov.uk/highwayfees) VAT is not payable.

Where a skip does not comply with our published Terms & Conditions an additional Inspection will be charged at a cost of £50.00. The additional Inspection fee will be to cover the cost of a repeat inspection to confirm that any reported issues have been rectified. In circumstances where any reported issues are not rectified the County Council has the authority to remove the skip from the highway at the Hire Company's expense.

Where a skip is found to be on the public highway without a valid licence this will be charged at £115. If the skip operator cannot be contacted, then the skip will be removed and the cost of this will be recovered from the skip operator. In addition to this the Council will seek to prosecute the skip operator, if convicted of an offence, the fine will be up to level 3 on the standard scale (currently £2500).

## **Permissions**

If you consider that your proposals will affect street cleansing operations, car parking or refuse collection activities (particularly skips in back streets) please contact the appropriate District Council before applying to the County Council for a licence.

If a skip is deposited on the public highway for which a licence has not been applied, the owner is guilty of an offence under section 140 of the Highways Act 1980 and is liable to a fine (not exceeding level 3 on the standard scale). In addition the owner of the skip will be required to remove the skip without delay. If the skip is not removed, or ownership of the skip cannot be established, North Yorkshire County Council will arrange for its removal. This removal will incur a charge to the skip operator of in the region of £2500.

Where the skip or skips occupy highway space upon which there is a traffic regulation order relating to charging for on street parking, the skip owner must reimburse the relevant authority for loss of income (For example Town and District Councils). An agreement is to be obtained between the Skip Company and the Authority before a licence will be issued. It is the responsibility of the Skip Company to organise this and the relevant authority will be reimbursed directly and independently of the Skip Licence payment.

## **Location**

Each skip will be deposited on the carriageway and will be positioned:

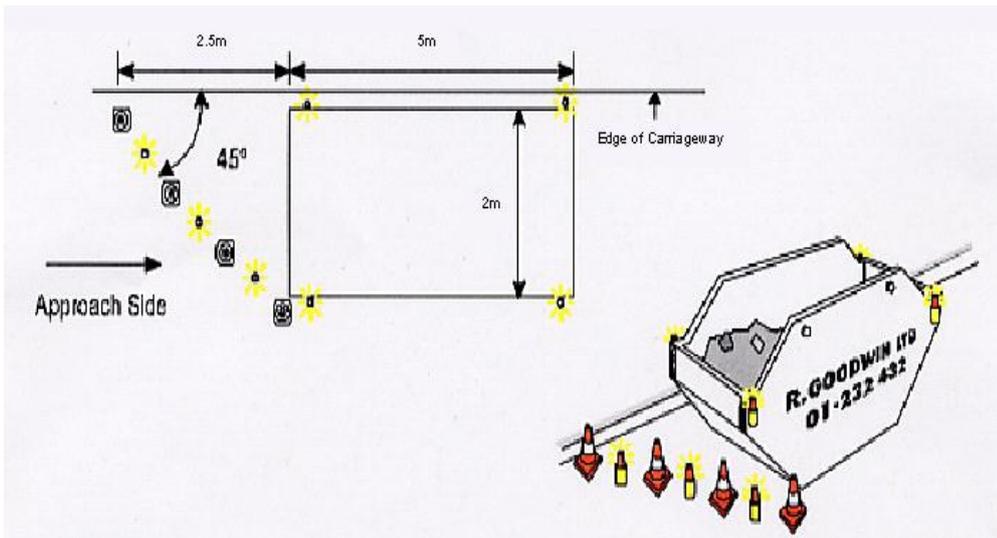
- So that its longer sides are parallel to the edge of the carriageway and as near to the edge of the carriageway as is reasonably practicable;
- So that it does not impede the surface water drainage of the highway nor obstruct access to any manhole or the apparatus of any statutory undertaker or the Council; and
- Where a skip is to be located in an area subject to a residents parking regime, the skip will be positioned outside the property of the resident hiring the skip.

Skips will not usually be authorised to be placed in the following locations:

- On a footway or verge. Only in exceptional circumstances, and when instructed to do so by the Highway Authority, will skips be permitted in such locations.
- On the highway if it appears to the County Council that a skip could be reasonably placed on private property.
- On a highway that has a traffic regulation order restricting the parking of vehicles on that section of highway.

When making a decision the County Council will consider representations made by the applicant as to why the skip should be placed in such locations.

The following diagram illustrates how the skip must be placed and signed to conform to the Terms & Conditions.



## **Compliance/ Enforcement of Licence Conditions**

### **Following the Issue of Licence**

At any time after the issue of a licence, the County Council may inspect the authorised location to check whether the conditions of the licence have been complied with. The County Council is not limited to one inspection, and the County Council may carry out further inspections at any time to check that the skip is:

- Clearly and indelibly marked with operators details;
- Coned & lit in accordance with the Department of Transport's Builders' Skips (Markings) Regulations 1984 (displaying retro-reflective markings); and,
- Removed promptly when full- the skip should be removed for emptying as soon as possible and in any case not later than 2 working days after it has been filled.
- Not containing prohibited substances

If any of the conditions in the licence are not being complied with, the County Council can take any action in deems appropriate in the interests of highway safety, this may include:

- Instructing the licensee to comply with the conditions;
- Instructing the licensee to remove or alter the position of the skip; and
- Taking action to remove or alter the position of the skip
- Liability for extra charges incurred, a fine (not exceeding level 3 on the standard scale) and/ or the County Council instigating legal proceedings against the skip operator.

The County Council will use its powers under sections 140 and 149 of the Highways Act 1980 to remove anything causing a nuisance from the highway at any time.

### **Following Expiry of Permission/ Removal of the Skip**

No skip must remain on the highway after the period of the permission specified has expired. You are required to notify the County Council when the skip is removed (this excludes the exchange of skips). This will save the company from getting a reminder for a licence renewal.

The County Council will take action, including the removal of a skip, where:

- A licence for placing a skip on the highway has expired;
- The licence has not been renewed; and
- The skip has not been removed from the permitted location.

The County Council will consider whether to inspect the site where the skip was placed. Where the County Council decides to inspect the site, it will normally arrange for the inspection to take place when the applicant or the applicant's agent can also be present.

When the skip is removed from the Highway the area is to be left clean and tidy. If any damage has been incurred it will be repaired to the County Council's satisfaction, at the skip operator's expense.