

Skip Vendor Application Pack

Application Form – Page 2

Terms and Conditions – Pages 3, 4 & 5

Indemnity Form – Page 6

Guidance – Pages 7 to 13

Include these documents with your application:

- Completed and signed application form
- Completed and signed indemnity form
- Copy of current public liability insurance
- Bank and company details on letter headed paper.

Skip Company Vendor List Application Form

Applicant Details	
Full name of skip company	
Full registered address of skip company	
Office contact telephone number	
24 hour contact number	
Email address	
Name of company director	
Contact telephone number	
Email address	
Do you have public liability insurance for the placement of skips on the highway? Please include a copy with your application.	
Do you agree to abide by the skip terms and conditions?	
Do you agree to pay fixed penalty notices for failures of skip conditions?	
Agreement to abide by Terms and Conditions	
Name	
Signature	
Position	
Date	

Skip Licence – Terms and Conditions

1. A skip is not to be placed on Highway without the issue of a licence from Southwark Council.
2. Only approved skip suppliers on Southwark's Supplier List will be permitted to provide skips in the London Borough of Southwark and must have public liability insurance at all times.
3. An authorised skip must be placed on the carriageway unless otherwise stated.
4. A skip shall be positioned so that's its longer sides are parallel to the edge of the carriageway as is reasonably practical and so it does not impede the surface water drainage of the highway nor obstruct any manhole or apparatus of any statutory undertaker or the London Borough of Southwark.
5. A skip shall not be placed within 20 metres of a road junction, bus stop or standing terminal, pedestrian crossing, entrance to or exit from schools, hospitals or existing works (or any other place specified on the licence). Exceptions can be agreed by an officer of Southwark Council.
6. Where more than one skip is deposited on the highway at any time, the skips shall be positioned as closely as possible to each other, but should not obstruct access to any premises unless the consent of the owner /occupier has been obtained in advance.
7. The skip shall be clearly marked with the owners name and telephone number or address.
8. All skips shall be marked and lit in accordance with the following:~
 - (i) Each end of the skip shall be painted yellow and comply with the Builders Skips (Marking) Regulations 1984 and any other relevant regulations;
 - (ii) Yellow warning lamps shall be placed against, or attached to each outer corner of the skip, (or the end corners of the row of skips) between the hours of half an hour before sunset and half an hour after sunrise; and
 - (iii) Warning lamps must be checked daily and kept clean.
9. All painting and markings shall at all times be kept clean and clearly visible for a reasonable distance to persons on the highway on which the skip is placed.
10. Skips placed on the highway must not contain any flammable explosives, noxious or other dangerous material or any other material which is likely to putrefy or which may become a nuisance to users of the highway.
11. Fires must not be lit in any skips placed on the highway.
12. All contents placed within a skip must not be allowed to fall into the highway and any dust placed within the skip must not be allowed to escape. Any spillages which escape from the skip must be cleaned and removed promptly.
13. The method used for filling the skip shall not impede or cause nuisance or danger to pedestrians and or vehicular traffic.
14. Where materials require to be placed in a skip from a high level a properly constructed chute must be used and maintained to height of 4.88 meters (16ft) above the footway. When chute is not required it must be chained to the supporting structure from which it emanates and must not protrude over the highway. Where a chute is used to fill the skip, the skip must be entirely enclosed at the discharge end to prevent any escape of dust or debris.

15. Any skip placed on the Highway within the London Borough of Southwark shall be covered at all times unless the skip is being filled or removed.
16. Materials or rubbish must not be thrown from height or distance into the skip.
17. No skip lorry or its load shall cross over onto the pavement, unless a properly constructed temporary footpath crossover (approved by Southwark Council's Officer) has been installed. Alternatively the company must give over a surety in advance of works as specified by an authorised officer, which will cover the cost of repairing any damage caused.
18. Any skip placed on the highway may be repositioned or removed, if required by the Police or Officer from Southwark Council.
19. No skip shall remain on the highway after the period specified on the licence has expired.
20. The skip supplier will be responsible for the removal and proper disposal of all skip contents.
21. The highway shall be left in a clean and tidy condition. Any remedial work required by Southwark Council will result in the skip supplier being charged accordingly.
22. Skips will only be deposited, removed or repositioned on the highway between 8am and 6pm, Monday to Friday and 8am to 1pm on Saturday. Only in exceptional circumstances are skips to be deposited, removed or repositioned outside of the above hours and only with prior consent of an authorised Officer from the London Borough of Southwark.
23. Where non-compliance to terms and conditions is witnessed, Southwark Council can issue fixed penalty notices for non-compliance. The following offences are allowed to be enforced by the use of Fixed Penalty Notices.

Offence Code	Offence	Legislation	Level of Charge	Early payment reduction	Maximum Penalty upon conviction
HL1	Depositing builder's skip on highway without permission	Highways Act (1980) S.139(3) , FPN provision by Schedule 4 of the London Local Authorities and Transport for London Act 2003	£100	£50, if paid within 14 days	£1,000.00
HL2	Failure to secure lighting or other marking of builder's skip	Highways Act (1980) S.139(4)(a) , FPN provision by Schedule 4 of the London Local Authorities and Transport for London Act 2003	£100	£50, if paid within 14 days	£1,000.00
HL3	Failure to secure marking of builder's skip with name and address	Highways Act (1980) S.139(4)(b) , FPN provision by Schedule 4 of the London Local Authorities and Transport for London Act 2003	£100	£50, if paid within 14 days	£1,000.00
HL4	Failure to remove or reposition builder's skip	Highways Act (1980) S.140(3) , FPN provision by Schedule 4 of the London Local Authorities and Transport for London Act 2003	£100	£50, if paid within 14 days	£1,000.00

HL5	Failure to secure removal of builder's skip	Highways Act (1980) S.139(4)(c) , FPN provision by Schedule 4 of the London Local Authorities and Transport for London Act 2003	£100	£50, if paid within 14 days	£1,000.00
HL6	Failure to comply with conditions of permission	Highways Act (1980) S.139(4)(d) , FPN provision by Schedule 4 of the London Local Authorities and Transport for London Act 2003	£100	£50, if paid within 14 days	£1,000.00
HL7	Wilful obstruction of highway	Highways Act (1980) S.137(1), FPN provision by Schedule 4 of the London Local Authorities and Transport for London Act 2003	£100	£50, if paid within 14 days	£1,000.00

Please note that non-compliance or non-payment of a fixed penalty notice can result in Southwark Council proceeding with prosecution of offender.

Skip Licence – Indemnity

.....("The Company") hereby agree to indemnify, the London Borough of Southwark ("The Council"), their officers and agents from and against all actions in law or equity, damages, statutory or common law losses, costs, charges and expenses arising in any manner whatsoever:

- (i) in respect of personal injury or death of any person or persons and
- (ii) in respect of damage or injury to any property whether real or personal (including the property of the Council) arising out of the transportation, placement, collection or operation and or use of the equipment whether by means of defect (latent or otherwise) in the equipment or by an act (omitted or committed) the Company, its officers, its servants or its agents.

The above indemnity shall be enforceable against the Company in its operation (as aforesaid) of the equipment, whether such information was a result or express authority from the Council or otherwise, unless due to any act or neglect of the Council or any person for whom the Council is responsible.

In the above indemnity, "the equipment" means any container, skip, equipment, machinery, or load which is or was, at the time of any skip operation on the highway in the Council's administrative area and is the responsibility of the company or being used by the Company, its officers or its agents, for any such skip operation.

The above indemnity shall be in force from _____ until _____

The Company undertakes to give the council advance notice of any proposed skip operation on any highway in the Council's administrative area.

The Company undertakes to maintain public liability insurance for at least five million pounds sterling for any one accident with a reputable insurance company and to produce a copy of the policy and evidence of payment of premium as and when requested from time to time the Council.

Indemnity agreement	
I confirm that I have the authority to issue the above indemnity on behalf of the Company.	
Name	
Position	
Signature	
Date	

Skip Licence Guidance

1.0 Introduction

This guidance 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 guidance has been defined in order to increase clarity and consistency across the London Borough of Southwark in the management of skips placed on the public highway.

Southwark Council has powers with respect to skips under S137 and S139 of the Highways Act 1980, which grants Southwark Council as the 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 Southwark's Highway Licensing Team who grant permission on behalf of Southwark Council 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 General Requirements and Considerations

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 Southwark Council against all claims, provision of a clearly marked skip (high visibility markings and owner identification) and payment of licence fees (£66.00 per month). The approval 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 consider 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 volume of skips and Southwark Council's 'Network Management Duty' under the Traffic Management Act 2004, 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 Southwark Council's 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.

A licence must be obtained before the skip is placed on site and will always 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 conditions 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

The public are not always fully aware of the need to use reputable skip companies and the need for licensing skips on the highway. Improving their understanding and helping them to make an informed decision on their supplier 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, Southwark Council can reduce potential hazards and causes of congestion and disruption.

All licences are recorded for monitoring and reference which assists with the management 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. This allows the Council further opportunities to increase compliance across Southwark's road network, by working closer with operators and aiming to increase their understanding of how skips affect highway safety and users of the highway.

Any complaints received regarding skips placed on the highway 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.

Where offences are found upon inspection with regards to licence conditions, adherence to legal skip requirements or conditions set by Southwark Council, legal action resulting in prosecution may be pursued.

Records will be kept of offending operators to show where Southwark Council needs to concentrate on repeat offenders, where further action is necessary and more positively where direct contact has had a desirable effect.

Random 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. This will include for the time already spent on the highway. Local investigation will be carried out as necessary finding 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 Southwark Council.

Repeat offenders -Where there are witnessed repeated offences, Southwark Council reserves 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 Southwark, we have the option to prosecute the skip operator.

4.0 Skip Licence (Process) Review

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, conditions, processes and working practices will be subject to regular review and update in pursuit of this aim.

5.0 Legislation

Legislation used in producing Southwark Councils builder's skip licence includes:

- Traffic Management Act 2004
- New Roads and Street Works Act 1991
- Highway's Act 1980
- London Local Authorities and London Transport Act 2003
- The Builder's Skips (Markings) Regulations 1984
- Traffic Signs Manual, Chapter 8, Appendix 3

It should be noted that this is not a comprehensive list and that it is the operator's responsibility to ensure full compliance with all current regulations.

The following are examples of requirements that should be noted by the skip providers.

5.1 The Highways Act 1980 states:

139 Control of builders' skips.

(1) A builders' skip shall not be deposited on a highway without the permission of the highway authority for the highway.

(2) A permission under this section shall be a permission for a person to whom it is granted to deposit, or cause to be deposited, a skip on the highway specified in the permission, and a highway authority may grant such permission either unconditionally or subject to such conditions as may be specified in the permission including, in particular, conditions relating to:

- (a) the siting of the skip;
- (b) its dimensions;
- (c) the manner in which it is to be coated with paint and other material 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 or guarded;
- (f) its removal at the end of the period of permission.

(3) If a builder's skip is deposited on a highway without a permission granted under this section, the owner of the skip is, subject to subsection (6) below, guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

(4) Where a builder's skip has been deposited on a highway in accordance with a permission granted under this section, the owner of the skip shall ensure —

- (a) 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;

- (b) that the skip is clearly and indelibly marked with the owner's name and with his telephone number or address;
- (c) that the skip is removed as soon as practicable after it has been filled;
- (d) that each of the conditions subject to which that permission was granted is complied with; and, if he fails to do so, he is, subject to subsection (6) below, guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.
- (5) Where the commission by any person of an offence under this section is due to the act or default of some other person, that other person is guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.
- (6) In any proceedings for an offence under this section it is a defence, subject to subsection (7) below, for the person charged to prove that the commission of the offence was due to the act or default of another person and that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.
- (7) A person charged with an offence under this section is not, without leave of the court, entitled to rely on the defence provided by subsection (6) above unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.
- (8) Where any person is charged with an offence under any other enactment for failing to secure that a builder's skip which has been deposited on a highway in accordance with a permission granted under this section was properly lighted during the hours of darkness, it is a defence for the person charged to prove that the commission of the offence was due to the act or default of another person and that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.
- (9) Where a person is charged with obstructing, or interrupting any user of, a highway by depositing a builder's skip on it, it is a defence for the person charged to prove that the skip was deposited on it in accordance with a permission granted under this section and either—
- (a) that each of the requirements of subsection (4) above had been complied with; or
- (b) that the commission of any offence under that subsection was due to the act or default of another person and that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.
- (10) 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.
- (11) In this section, section 140 and section 140A below—
- "builder's skip" means a container designed to be carried on a road vehicle and to be placed on a highway or other land for the storage of builders' materials, or for the removal and disposal of builders' rubble, waste, household and other rubbish or earth;
 - "owner", in relation to a builder's skip which is the subject of a hiring agreement, being an agreement for a hiring of not less than one month, or a hire purchase agreement, means the person in possession of the skip under that agreement.

5.2 Fixed Penalty Notices under the Highways Act 1980 and Local London Authorities Act 2003

The London Local Authorities and Transport for London Act 2003 gave boroughs powers to issue Fixed Penalty Notices (FPNs) in respect of certain offences on the highway. This gives boroughs an additional enforcement tool to tackle a series of public realm issues in a much more efficient and cost effective manner. These offences pertain mainly to unlawful highway obstructions, particularly unlawful activity involving builders' skips and unauthorised obstructions.

The following offences are allowed to be enforced by the use of Fixed Penalty Notices.

1. Willful obstruction of highway – Section 137(1)
2. Depositing builder's skip on highway without permission – Section 139(3)
3. Failure to secure lighting or other marking of builder's skip – Section 139(4)(a)
4. Failure to secure marking of builder's skip with name and address – Section 139(4)(b)
5. Failure to secure removal of builder's skip – Section 139(4)(c)
6. Failure to comply with conditions of permission – Section 139(4)(d)
7. Failure to remove or reposition builder's skip – Section 140(3)

If the London Borough of Southwark decides that an offence is appropriate for breaking or not complying with one of the above requirements a fixed penalty notice can be issued.

Please note that non-compliance or non-payment of a fixed penalty notice can result in Southwark Council proceeding with prosecution of offender.

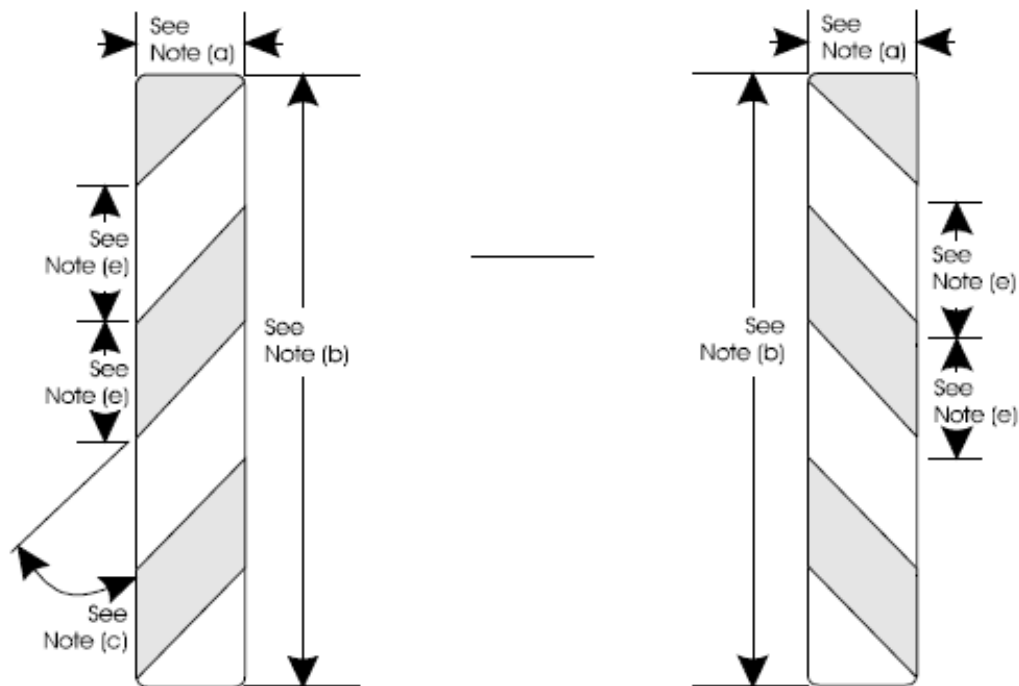
5.3 Builders skips legislative requirements

A sample of inspections will be carried out periodically by the Highway Licensing Team in order to assess the compliance of legislative requirements of skips placed on the public highway by skip companies. Where licensed skips are in the opinion of a highway licensing officer to be failing the legal requirements.

Where continuous failure to meet the legal requirements of the Highways Act 1980 or failure to meet the requirements under the Builder's skips (Markings) regulations are witnessed, a discussion between the London Borough of Southwark and the Skip Company will be required.

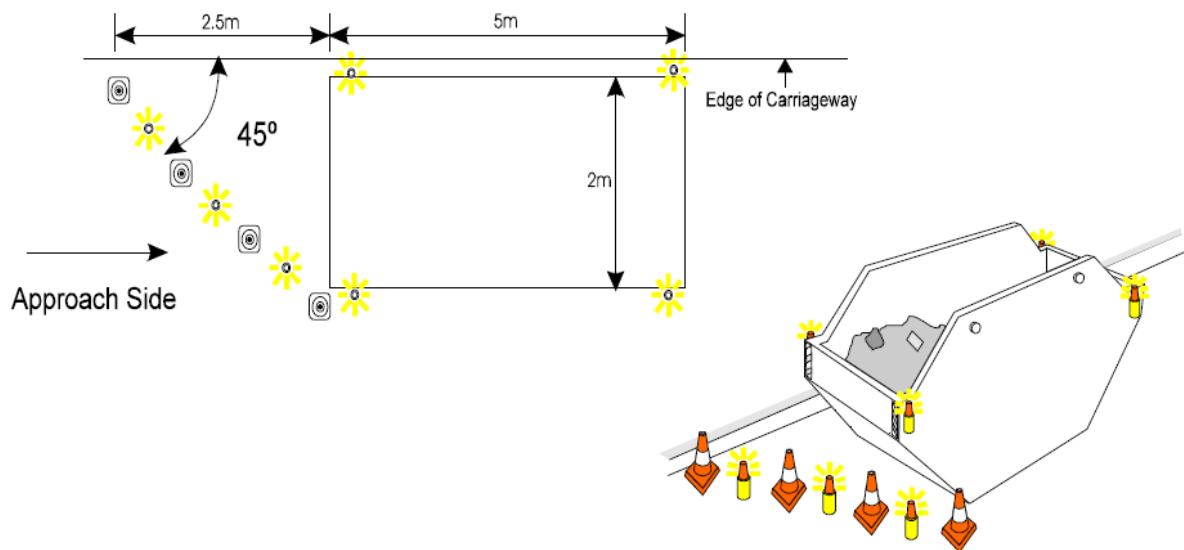
It is not the position or wish to withhold licence applications from being issued to skip companies but where it is felt that improvement is not being made in satisfying the legal requirement the London Borough of Southwark may decide to freeze or remove company from Southwark's registered skip companies list.

5.4 Requirements under the The Builders' Skips (Markings) Regulations 1984



- (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.

Requirements as to Builders Skip's 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 the diagram in Schedule 1 shall be of red fluorescent material, and the un-stippled areas in that diagram shall be of yellow reflex reflecting material.