



### Code of Practice:

### Permission to place a builder's skip on the highway under Section 139 of the HIGHWAYS ACT 1980

### Permits

A builder's skip shall not be deposited on a highway without a permit, i.e. without permission from the highway authority.

Permission will be given in the following way:

(a) Written permission

- (i) Companies who are on the list of approved companies will be given written permission in the form of a licence authorising approval.
- (ii) Companies not on the approved list will not be permitted to place skips on the highway, and will need to apply to be included on the list before they will be permitted to place skips on the highway.

All skips placed on the highway must comply with this specification, and notification must be submitted to the Highways Department before 12pm the day before they are placed on site if notified by e-mail to [skips@barnsley.gov.uk](mailto:skips@barnsley.gov.uk). If notifying by any other method, 3 working days notice must be given. You should give details of the size of skip, location and proposed dates for the skip to be on site.

Please note that the maximum duration for a permit is either 7 or 14 days, depending on the type of street and if the skip is still in place after this period then a new permit should be applied for.

It is the responsibility of the skip owner to apply for the permit, and to ensure that the skip is deposited in accordance with the following conditions.

**N.B. The highway includes all footways, carriageways, verges, lay-bys, hardstandings etc.**

The highway authority may, at any time, withdraw any permit.

### Charges

The charges for placing a skip on the highway is £38.00 per permit.

Any skip found to be on the highway without a valid permit will incur a retrospective licence fee of £106.00.

## CONDITIONS

The following conditions shall apply to the deposit of each skip except to the extent that such conditions may be varied by the requirements of any builders skip permit.

### 1. Siting of skip

- (a) Each skip shall 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. It shall not impede the surface water drainage of the highway, nor obstruct access to any fire hydrant, manhole or the apparatus of any Statutory Undertaker or the Council.
- (b) No skip shall be placed on a highway in such a position or at such a time that it would:-
  - (i) contravene any Traffic Regulation Order (e.g. waiting restrictions etc.),
  - (ii) obstruct a bus stop,
  - (iii) cause the remaining width of carriageway not occupied by the skip to be less than 3 metres (i.e. the width of the vehicle carrying the skip plus clearance) and thereby obstruct the normal passage of emergency vehicles.
  - (iv) be hazardous to either vehicles or pedestrians.
- (c) No skip shall be positioned within 20 metres of a junction.
- (d) Where more than one skip is on the highway at any one location at any one time, the skips shall be positioned as closely as possible to each other but not so as to obstruct access to any premises unless the consent of the occupier of those premises has been obtained.

### 2. Dimensions of skips

No skip shall exceed 5 metres in length by 2 metres in width.

### 3. Markings on skips

- (a) Each skip shall be clearly and indelibly marked with the owner's name and with his telephone number or address.
- (b) The ends of each skip (that is to say, the sides of the skip facing traffic in both directions when positioned as above) shall be painted yellow and fitted with vertical red and yellow fluorescent reflective markings in accordance with the requirements of the Builders' Skips (Markings) Regulations 1984.

4. Care and disposal of contents of skip

- (a) No skip, 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 or to residents.
- (b) No skip shall be used in such a way that any of its contents fall on to the highway, or that there is an escape of dust from the contents of the skip.
- (c) When filled, a skip shall be removed as soon as practicable and in any case before the end of the working day.
- (d) No skip shall remain in a highway longer than the period indicated in the permit.
- (e) All materials placed in a skip shall be properly disposed of and the highway where the skip or skips have been deposited shall be left in a clean and tidy condition on the expiration of the permit.

5. Guarding and lighting of skips

- (a) Each skip shall be guarded by at least three traffic cones placed on the carriageway on an oblique line on the approach side of the skip. Where two or more skips are deposited in a row, so that the distance between adjacent skips does not exceed two metres, the row shall be guarded as if it were one skip.
- (b) At night (i.e. between half an hour after sunset and half an hour before sunrise) the skip/skips shall be lit as follows:-
  - (i) For a single skip or row of skips on the carriageway  
  
A lamp shall be placed against or attached to each corner of the skip or the end corners of the row of skips where the distance between adjacent skips does not exceed 2 metres.
  - (ii) For a single skip or row of skips on the verge  
  
A lamp shall be placed against or attached to each corner of the skip or the end corners of the row of skips where the distance between adjacent skips does not exceed 2 metres.

6. Power to order removal or repositioning of skip

- (a) Notwithstanding that a skip may have been lawfully positioned, the highway authority for the highway or a constable in uniform may require the owner of the skip to remove or reposition it or cause it to be removed or repositioned.

- (b) The highway authority for the highway or a constable in uniform may themselves remove or reposition the skip or cause it to be removed or repositioned.
- (c) Any expenses reasonably incurred by the highway authority or Chief Officer of Police in the removal or repositioning of a skip may be recovered from the owner of the skip.

7. Responsibility of skip owner

Attention is drawn to the Highways Act, 1980, Section 139 which places the responsibility on the owner of ensuring that all the various conditions relating to the permit have been complied with.

Permission to deposit a skip on the highway is thus conditional upon the acceptance of the statutory responsibility of the skip owner as defined above.

N.B. The Council is the highway authority for all highways within Barnsley.

**TAKE NOTE THAT**

- (a) Section 139(4) of the Highways Act, 1980, requires the owner of a builder's skip which has been deposited on the highway to secure that the skip is properly lighted during the hours of darkness, that it is clearly and indelibly marked with the owner's name and with his telephone number or address, that the skip is removed as soon as practicable after it has been filled and that each of the conditions of the Highway Authority's permission is complied with. Conviction of an offence under the subsection renders the owner liable to a fine not exceeding £100.
- (b) Section 139(10) of the Highways Act, 1980 provides that nothing in the section shall 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 the section any liability for any injury, damage or loss resulting from the presence on a highway of the skip to which the permission relates; and
- (c) Section 140 of the Highways Act, 1980, empowers the Highway Authority or a police officer to require the removal or repositioning or to remove or position a builder's skip deposited on the highway, even though it was deposited in accordance with the Highway Authority's permission to recover from the owner the cost of such removal or repositioning, and to dispose of a skip which is not collected by its owner. Failure to comply with a request to remove or reposition a skip under the section may result in a fine not exceeding £50.