

Standard Conditions Applicable to the Depositing of Roadside Containers on the Highway

1. Each skip shall be deposited on the carriageway outside the premises stated and shall be positioned 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.
2. Each skip shall not exceed 5 metres in length by 3 metres in width and shall be guarded by at least 3 traffic cones placed on the carriageway in an oblong line extending 2.3 metres from leading edge of the approach side of the skip.
3. The end of each skip (that is to say, the sides of the skip facing traffic in both directions when the skip is positioned as mentioned in condition 1 above) shall be painted yellow and there shall be attached below and right across the top edge of each and so as to be visible to traffic a strip of material the composition of which complies with the Motor Vehicle (rear marking) Regulations 1970, in having broad red fluorescent and yellow reflecting diagonal stripes. The painting and the strip of material shall at all times be kept clean.
4. The Licensee is required to ensure that at night (that is to say, between half an hour after sunset and half an hour before sunrise) an amber lamp shall be placed against or attached to each corner of the skip. Each lamp shall have an illuminative power of not less than one candle and shall remain lit throughout the night.
5. Each skip shall be removed for emptying as soon as practicable and in any case not later than 2 working days after it has been filled.
6. Any skip deposited on the highway, in accordance with this licence, which is not properly lighted during the hours of darkness, may be lit by the Council and the Council may recover the expenses reasonably incurred by them doing so from the licensee, as a simple contract debt, such as expenses shall be payable on demand.
- 6a. Where a sum is payable by any person by virtue of this condition, the Council shall be entitled to recover from that person such a further sum in respect to its establishment charges as appears to the Council to be reasonable.
7. The extension of the licence is the responsibility of the licensee, it must be renewed prior to the expiry date. Failure to comply with this condition will result in the skip being removed, and all costs will be recovered from the licensee.
8. The skip licence does **NOT** cover materials being placed on the public highway. A separate licence is required for materials.
9. No skip when standing in the highway shall contain any (flammable) explosive noxious or dangerous materials or any material which is likely to putrefy or which otherwise is, or is likely to become, a nuisance to users of the highway.
10. No skip shall be used in such a way that any of its contents fall onto the highway, or that there is an escape of dust from contents of the skip when standing on the highway. No unattended skip shall be left on the highway without an effective cover being properly tied or otherwise fixed to preclude the escape of any of the materials deposited in the skip.
11. All materials placed in each skip shall be properly disposed of and the highway where the skip has been deposited shall be left in a clean and tidy condition on the expiration of this licence.
12. Any damage or stain caused to the highway will be made good by this Council and the cost charged to you.
13. Pedestrians shall be given priority at all times and no obstruction of the footway shall be caused while filling the skip.
14. Any existing damage or staining of the carriageway should be notified to the Council prior to the skip being placed. Failure to do so could result in your being held responsible for the damage.
15. **It is responsibility of the licensee to ensure that the skip is lit during the hours of darkness. Failure to do so may result in the skip being removed and the Council may prosecute under the Highways Act 1980.**
Any costs incurred by the Council will be recovered from the licensee.
16. Failure to comply with any of the above conditions will result in immediate cancellation of this licence.

Standard Conditions Applicable to the Depositing of Materials on the Highway

1. The material must be deposited in a manner which does not involve danger to pedestrians or vehicular traffic.
 - 1a. Materials should be contained within a close-boarded fenced area 1.2 metres high. This should be painted white and lit at both ends.
 2. The licensee is required to ensure that during hours of darkness materials must be promptly lighted with warning lights of sufficient number to depict clearly the limit of obstruction.
 - 2a. Any materials deposited on the highway, in accordance with this licence, which are not properly lighted during hours of darkness, may be lit by the Council and the Council may recover the expenses reasonably incurred by them in doing so from the licensee as a simple contract debt, such expenses shall be payable on demand.
 - 2b. Where a sum is payable by any person by virtue of this condition the Council shall be entitled to recover from that person such a further sum in respect to its establishment charges as appears to the Council to be reasonable.
 3. If pedestrians have to walk in the carriageway to avoid the material a protected walkway must be provided to my satisfaction. Ramps should be provided for wheelchairs, prams, etc. and clear evidence should be available for blind and partially sighted people including a continuous fence or barrier 0.6m in height providing a 'tap' board for the blind.
 4. No obstruction must be caused to the flow of water in the road channel.
 5. No nuisance must be caused.
 6. This consent does not relieve you of liability for any injury, damage or loss resulting from the presence on the highway of material to which the permission relates.
 7. Consent does not affect the powers of the Police to require the immediate removal of the obstruction by reason of heavy or abnormal traffic, special event or emergency, or for any other lawful reason.
 8. Advance warning signs must be provided for both pedestrians and vehicles, in accordance with Chapter 8 of the Traffic Signs Manual if the carriageway is to be obstructed in any way by the presence of materials.
 - 8a. Any existing damage or staining of the carriageway should be notified to the Council prior to the materials being deposited. Failure to do so could result in your being held responsible.
 9. Any damage or stain caused to the highway will be made good by this Council and the cost charged to you.
 10. If the materials are placed on the footway, a minimum of 4' (1.2m) must be maintained at all times for the safe passage of pedestrians.
 11. When materials are permitted to be placed on the carriageway they must not extend more than 4'6" (1.35m) out into the carriageway from the kerb face.

No obstruction to be caused to any entrance or exit.

Concrete must not be mixed or placed directly on the highway. Spot boards must be used.
- NOTE:**
Failure to comply constitutes an offence and if convicted you are liable to a fine, and the Council will remove the offending obstruction and recover the expense involved from you.
12. FAILURE TO COMPLY WITH ANY OF THE ABOVE CONDITIONS WILL RESULT IN IMMEDIATE CANCELLATION OF THIS LICENCE.

HIGHWAYS ACT 1980

SECTIONS 170/132. YOU ARE REMINDED THAT IT IS AN OFFENCE TO MIX MATERIALS DIRECTLY ON THE HIGHWAY PUNISHABLE BY A MAXIMUM FINE OF £2500.

ANY WORKS IN CONNECTION WITH STAINS ON THE HIGHWAY MAY BE UNDERTAKEN BY THIS COUNCIL AND THE COST OF SUCH REMEDIAL WORKS WILL BE CHARGED TO THE PERSON(S) RESPONSIBLE.

(A) Statutory Provisions applicable to the deposit of a roadside container in the London Borough of Wandsworth.

HIGHWAYS ACT, 1980 – Extracts of Sections 139 and 140

Section 139

- (1) A builder's 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 the person to whom it is granted to deposit, or cause to be deposited, a skip on the highway specified in the 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 or 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 shall, subject to sub-section (6) below, be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.
- (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 secure –
 - (a) that the skip is properly lighted during the hours of darkness and, where Regulations made by the Secretary of State under the Section require it to be marked in accordance with the Regulations (whether the reflecting or fluorescent materials 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 the permission was granted is complied with, and if he fails to do so, he shall, subject to sub-section (6) below, be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

- (10) Nothing in this 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 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 and the next following section –

“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 builder's materials, or for the removal and disposal of builder's rubble, waste household and other rubbish or earth; and

“owner”, in relation to a builder's skip which is the subject of a hiring agreement, being an agreement for a hiring or not less than one month, or a hire purchase agreement, means the person in possession of the skip under that agreement.

Section 140

- (2) 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.
- (3) A person required to remove or reposition, or causes to be removed or reposition, a skip under a requirement made by virtue of sub-section (2) above shall comply with the requirement as soon as practicable, and if he fails to do so he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.
- (4) 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.

(B) Conditions of consent to the deposit in a street of containers for the reception of building materials, rubbish or other things.

- (1) No container shall exceed the dimensions specified by the Council in its consent or otherwise exceed 2 metres in width.
- (2) No container shall be placed in a street except in such position as shall be prescribed by the Council in its consent, or otherwise in such positions as not to obstruct or interfere with the means of drainage of the street, or with the

apparatus of any statutory undertaker, and any person placing a container in a street shall comply with all reasonable directions of the Director of Technical Services with regard thereto.

- (3) A person placing a container in a street shall cause the same to be properly fenced, and during the hours of darkness to be properly lighted.
- (4) A person placing a container in a street shall not allow the same to remain in such street longer than is necessary and in any event shall remove the same if so required by the Council acting through its Director of Technical Services or otherwise immediately at the expiration of such period as may be prescribed by the Council in its consent.
- (5) No building materials, rubbish or other things shall be deposited in the street, otherwise than in the container and all spillage from the container shall be promptly removed on removal of the container, the site thereof shall be left in a clean and tidy condition. In no circumstances must the materials be thrown across the footway from premises abutting the highway.
- (6) A person placing a container in a street shall be responsible for the removal and proper disposal of all matter placed therein, whether by such person or any other person with or without authority.
- (7) No container shall be used for the deposit of inflammable, explosive, putrescible, noxious or offensive matter.
- (8) Nothing in these conditions shall be deemed to affect or lessen the powers of the Police to require the immediate removal of a container which has become an obstruction to the highway by reason of heavy or abnormal traffic, special event or emergency, or for any other lawful reason.
- (9) For the purpose of these conditions, the expression "a person placing a container in a street" shall also include in the case of a hire container, the hirer or otherwise the persons having control of the building materials, rubbish or other things placed in or intended to be placed in the container.