



RECORD OF DELEGATED OFFICER DECISION

SUBJECT:

SKIP AND CONTAINER PERMIT ENFORCEMENT POLICY

PURPOSE OF ATTACHED REPORT:

- i) To outline and seek approval for the introduction of a new skip and container permit enforcement policy (and associated procedures).

DELEGATED DECISION (19/09/2014):

The Council will implement a new skip and container permit enforcement policy including the introduction of:

- i) A register of skip and container operators from 1st January 2015 (operators will be given three months notice to provide the necessary documentation to comply with the Council's requirements).
- ii) An inspection fee of £75, plus a determination fee for any unauthorised skip or container placed on the highway.

Chief Officer Signature

Print Name

Nigel Wheeler

Date

9-10-14

The decision is taken in accordance with Section 15 of the Local Government Act, 2000 (Executive Functions) and in the terms set out in Section 5 of Part 3 of the Council's Constitution

A. Morgan

09/10/14

CONSULTEE CABINET MEMBER SIGNATURE

DATE

Nigel Brinn

09/10/14

OFFICER CONSULTEE SIGNATURE

DATE

Directorate:	Highways, Transportation and Strategic Projects
Contact Name:	Nigel Brinn
Designation:	Service Director
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RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

ITEM NO.

MUNICIPAL YEAR 2014-2015

**REPORT TO ACCOMPANY DECISION OF
GROUP DIRECTOR, ENVIRONMENTAL SERVICES**

Part 1 (Non-Confidential)

Skip and container permit enforcement policy

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to outline and seek approval for the introduction of a new skip and container permit enforcement policy and associated procedures (attached).

2. RECOMMENDATIONS

It is recommended that the Council:

- 2.1 Approve the attached skip and container permit enforcement policy.

3. BACKGROUND

- 3.1 The attached document sets out the proposed new skip and container permit enforcement policy and has been produced in response to internal audit recommendations which highlighted shortcomings in the way in which the Council managed their duties in relation to the control of builders skips and containers (under the auspices of the Highways Act 1980).
- 3.2 It is considered good practice to formalise Council procedures to ensure effective compliance by skip and container operators working within the County Borough.

4 CONCLUSION

- 4.1 The new skip and container permit enforcement policy represents an important step forward and will lead to improvements in the way in which the Council tackles the problem of unauthorised skips and containers on the highway.



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Rhondda Cynon Taff County Borough Council

Highways, Transportation & Strategic Projects Division

Skip and Container Permit Enforcement Policy

1. INTRODUCTION

- 1.1 The Council, as a Highway Authority, recognises that there is a need for residents and businesses to use skips and containers, and that under certain circumstances the appropriate, or only, place that these can be located will be on the highway. However, such skips and containers must be placed in a controlled manner to ensure that safety on the highway is maintained and that traffic flow is not unduly affected.
- 1.2 This document provides guidance to the Council's Streetworks (NRASWA) Section for the effective and safe agreement and enforcement relating to the control of builders' skips and containers placed on the highway.
- 1.3 The policy and associated procedures aim to minimise, as much as is reasonably possible, the potential for the disruption of the use of the highway for transport purposes and support more effective controls in the event of operators whom fail to comply and adhere to the Council's policies.

2. LEGISLATIVE BACKGROUND

- 2.1 Under the terms of the Highways Act 1980 (and following the introduction of the local authorities (Transport Charges) Regulations 1998) and further requirements imposed by the Traffic Management Act 2004, which has reinforced the importance which Highway Authorities place on relieving traffic congestion and ensuring the safety of temporary obstructions on the highway, it is now the practice for Highway Authorities to charge skip and container operators for the consideration of applications to place skips and containers on the highway.
- 2.2 The provision of the Highways Act 1980 assists Highway Authorities in controlling the legal occupation of the highway, while ensuring that the needs and safety of road users are properly considered.
- 2.3 The following legislation governs other aspects of the control and placement of skips and containers on the highway:
 - Under s139 of the Highways Act (1980), the owner of any skip or container deposited on the highway without permission from the Highways Authority shall be guilty of an offence.
 - Under s140 of the Highways Act (1980), the Highway Authority may also remove from the highway any skip or container that has not been authorised. The cost of removal and storage of the skip or container will be charged to the skip or container owner (up to a maximum of £1,000).

3. SERVICE OBJECTIVES

- 3.1 The purpose of the new policy is to:
 - Encourage the authorised placement of skips and containers on the highway by pursuing legal action against those skip and container

operators whom do not comply with statutory undertakings as prescribed in the Highways Act 1980.

- Encourage the registration of skip and container operators with the Council to ensure public liability insurance is in place and to ensure compliant business operations are met in accordance with the Council's policies.

4. SKIP AND CONTAINER PERMIT CHARGES

- 4.1 The Council charges a non-returnable determination fee, (currently set at £26.85), to cover the costs associated with the consideration of the placement of skips and containers on the highway and the issuing of each individual permit.
- 4.2 Each permit, if approved, will cover a period of 14 consecutive calendar days.
- 4.3 Extensions (additional 14 consecutive calendar day periods) may be authorised at the discretion of the Council but will incur further determination fee charges per permit issued.

5. SKIP AND CONTAINER OPERATOR REGISTRATION

- 5.1 The Council will only issue skip and container permits to those operators whom register with the Council. (There will be no fee charged for registration).
- 5.2 The registration process is required to ensure that all operators have appropriate levels of public liability insurance and hold a valid waste carrier licence.
- 5.3 Failure to provide the appropriate documentation, or failure to comply with the Council's payment terms, may result in a refusal to issue any further permits until all debts are balanced and all operating procedures have been adhered to.
- 5.4 The option to make a retrospective payment will not be available to any unregistered operator and the skip or container may be removed with immediate effect.

6. NON-COMPLIANCE PROCEDURES

- 6.1 The Council will undertake a phased approach to enforce any unauthorised skips and containers ranging from retrospective charges and fees to the removal of skips and containers, and legal action to recover costs.
- 6.2 Any skip or container found on the highway in breach of s139 of the Highways Act 1980 (as well as any associated requirements of the Council) could be subject to removal by the Council with all associated costs of the removal, disposal and storage of the skip or container being recharged to the operator.
- 6.3 Skip and container operators will be required to pay the original determination fee from the day it was found on the highway, plus an additional inspection charge of £75.
- 6.4 The operator's registration with the Council may be suspended resulting in any further permit applications being declined until the outstanding debt is paid.

- 6.5 Skip and container operators will have two working days to pay the charge, or the Council will proceed to remove the unauthorised skip or container from the highway in accordance with s140 of the Highways Act 1980.
- 6.6 Upon recovery of costs by the Council, an operator will be permitted to reclaim their skip or container. The skip or container will be stored for a maximum period of twenty-eight days, after which time the skip or container will be disposed of.

**The option to make a retrospective payment may be withdrawn for any registered operator if they have failed to apply for a permit on five occasions within a calendar year. In such cases the skip or container may be removed and the Council may decline to authorise further permits.*