



**SOUTH EASTERN AND METROPOLITAN TRAFFIC AREA
DECISION OF THE DEPUTY TRAFFIC COMMISSIONER
PUBLIC INQUIRY HEARD AT THE COUNCIL HOUSE
NORTH STREET CHICHESTER PO19 1LQ**

OK2006028 HELLO SKIPS LIMITED

Decision

Application for restricted operator's licence for four vehicles granted subject to standard and the following conditions and undertakings

Conditions

- a) There shall be no operation of authorised vehicles except between the hours of 7.00 and 18.00 hours Mondays to Fridays, 07.00 and 13.00 Saturdays and no operation on Sundays or Bank and Public Holidays**
- b) Maintenance of authorised vehicles shall only take place between the hours of 08.00 and 17.00 Mondays to Fridays and 08.00 and 13.00 Saturdays with no maintenance on Sundays or Bank and Public Holidays**
- c) Authorised vehicles must be of rigid construction and should not exceed 18 tonne gross plated weight**
- d) When leaving the site, authorised vehicles must give way to oncoming vehicles**
- e) Authorised vehicles shall be fitted with white noise/broadband reversing alarms rather than single tone "bleeping" alarms**

Undertaking

Keith Peskett shall play no part in the management of the business or the operator's licence.

Background

1. This is an application by Hello Skips Limited for a restricted operator's licence authorising four vehicles, the sole director of the applicant company is Charles Willard and the nominated operating centre is Oakham Farm, Church Lane, Oving, Chichester, PO20 2BT.

The application was advertised correctly and prompted opposition from a number of sources. These in turn led to proposals for possible conditions and undertakings and a visit and report by a Traffic Examiner. The operator agreed to the proposed conditions and undertakings bar one. Alongside the possible environmental issues it was noted that there were apparent links between the current application and previous revoked licences. It was found that the combination of issues merited a public inquiry and this was duly arranged and the parties who had lodged opposition were given notice of the hearing and the chance to attend.

The Public inquiry

2. Mr Willard attended the inquiry on behalf of the applicant company and was represented by Mr Marsh. The Chair of the Oving Parish Council Mr Schuyleman attended together with local resident Ms Pitts and the owner of the proposed operating centre Mr Ward. Traffic Examiner James had prepared a report for my consideration but was not in attendance as she was no longer in post.

At the outset of the inquiry I clarified the issues for consideration and confirmed the precise location of the operating centre with the assistance of Mr Marsh and the other parties present. I confirmed that the site had previously been approved as an operating centre for three vehicles authorised for Skips Direct LLP (licence revoked in 2016) and was currently nominated on a partnership licence OK0190974 for six vehicles. Both licences had been granted subject to a number of conditions. It was also confirmed that the site was currently authorised for and used as a waste transfer site.

Evidence

3. I heard from Ms Pitts and Mr Schuyleman as to their concerns. Whilst it was agreed that the nearest properties to the operating centre were approximately 420 metres distant they both emphasised the disturbance and difficulty that have been created by the use of the site by large goods vehicles. Mr Schuyleman said that operators had agreed not to use the centre of Oving village as a through route but by doing this it meant that vehicles used a route via Woodhorn Lane which resulted in more vehicles going past Sandpits Cottage which was the property occupied by Ms Pitts. This increase resulted in noise and fumes from the large vehicles and roads being used which were not intended for this purpose. In answer to my enquiry it was stated that the volume of vehicles stemmed from the increased activity at the waste transfer

site. It was believed that breaches of the conditions imposed on the waste transfer site had taken place and that insufficient enforcement action had followed.

4. Mr Marsh confirmed that the applicant company were willing to accept the conditions mooted when the application was being processed including a restriction on vehicle weight to 18 tonnes. He also said that the applicants would agree to use a mobile wheel wash facility if this was an area of concern and to erect a sign to remind drivers of all large vehicles not to use Oving village as an exit route from the site. He submitted that the concerns of the residents whilst understandable were related to the use of the site for waste transfer and not to the use as an operating centre. As a consequence the issues being raised were outside of the jurisdiction of the Traffic Commissioners.
5. An issue had been raised in correspondence in relation to the ownership and right of way allowed over the access road to the site and Mr Ward told me that there was an ongoing right of way that he was able to exercise as the owner of the land at Oakham Farm. He also confirmed that he was currently renting land to Hello Skips and found Mr Willard as the director to be a responsible and reliable tenant who had improved the management of the site.
6. Mr Willard told me that he had previously intended to go into business with a Keith Peskett who it was accepted had links to previous licences that had been revoked. This arrangement was no longer planned and Mr Peskett was now an employee who assisted generally. There were no links between Mr Willard and the company Direct Skips nor with the former director Darren Miller. He said that Hello Skips had been trading by use of vehicles under the weight whereby an operator's licence is required and explained the background to the proposed purchase of two vehicles from the company Chichester Recycling Limited. I asked why Mr Peskett's name had appeared in the heading of an e mail from Hello Skips and Mr Willard said that was simply the way the e mail had been set up which would be changed. He offered an undertaking that Keith Peskett would play no part in the management of the business or operator's licence.

Findings and Decision

a) Environmental Issues

7. In considering the environmental issues raised I remind myself that the jurisdiction of Traffic Commissioners is generally confined to the immediate vicinity of the operating centre. I am also alert to the fact that this is not a new operating centre – both a previous and a current operator have been authorised to use the site and to refuse the current application I would need to be able to make a distinction in relation to this particular applicant. With this in mind and taking all the facts into account I am prepared to approve the operating centre for use by this operator for four vehicles subject to the

following conditions:

a) There shall be no operation of authorised vehicles except between the hours of 7.00 and 18.00 hours Mondays to Fridays, 07.00 and 13.00 Saturdays and no operation on Sundays or Bank and Public Holidays

b) Maintenance of authorised vehicles shall only take place between the hours of 08.00 and 17.00 Mondays to Fridays, 08.00 and 13.00 Saturdays with no maintenance on Sundays or Bank and Public Holidays

c) Authorised vehicles must be of rigid construction and should not exceed 18 tonne gross plated weight

d) When leaving the site, authorised vehicles must give way to oncoming vehicles

e) Authorised vehicles shall be fitted with white noise/broadband reversing alarms rather than single tone "bleeping" alarms.

Whilst I do not set conditions as to wheel washing or a sign directing drivers away from Oving centre I note the intentions of the operator in this regard.

b) Fitness of the applicant

8. Having heard from the director Charles Willard and the supporting evidence from the site owner Mr Ward I am satisfied that the links between the applicant and other previous operators are not matters of concern and that as a consequence the test of fitness to hold a licence is met. I do however require an undertaking to be agreed as follows:

Keith Peskett shall play no part in the management of the business or the operator's licence.

9. Finally I recommend that the operator continue to encourage an ongoing dialogue with local residents. It was apparent to me that there was a positive exchange between the individuals involved at the conclusion of the public inquiry. I urge that this approach is continued and that problems and issues are minimised as best they can be for both sides.

John Baker



Deputy Traffic Commissioner

28 May 2018