



Houses of Multiple Occupation (HMOs): Barriers to Improving Recycling

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1.0 Introduction

Making it easier for people, who live, work, learn or visit cities and other dense urban environments to recycle is a priority for government and local delivery partners. There are several challenges in terms of current service provision including infrastructure, communications and understanding the attitudes of those that frequent cities that need to be overcome.

Urban areas often have lower household recycling rates than the national average. Research indicates this is due in part to the presence of high-density housing and flats. Service quality, design and access to facilities can also vary and there are other issues making the use of services challenging such as transient populations, language and cultural barriers, varied property tenures, high levels of deprivation, and internal and external space limitations.

As well as traditional flats and apartments, Houses in Multiple Occupation (HMO) also exist whereby properties may be let to several tenants who are not members of the same family, presenting a wider range of barriers to recycling in terms of citizen and landlord engagement and service provision.

The following report considers the legislation affecting HMOs, their management and operation and the barriers to recycling that exist in such properties which are over and above the barriers previous research and anecdotal evidence has shown exists in purpose-built flats. The report considers how the behaviours of both the managing agents/landlords of HMOs and the residents may impact participation in kerbside recycling services and ways that local authorities may be able to improve their engagement with these stakeholders in order to effectively encourage participation.

2.0 Background

HMOs are defined as properties that are rented out by at least 3 people who are not from the same household (for example a family) but share facilities like the bathroom and kitchen. It is sometimes called a 'house share'.^[1] Whereas a short-term let (also known as a short-term rental) is understood to be any letting agreement that lasts less than six months, but often it is just a few weeks, or even one night. The phrase 'short-term let' also covers temporary lodgers and rental agreements made via internet travel sites.^[2]

HMOs are widely recognised as a vital part of the housing market, often providing affordable rental accommodation for many social groups in towns and cities across the UK.^[3] It is an increasing dimension of the UK housing market that has rapidly grown over the last two decades and continues to rise as dwellings are converted to supply housing for three or more unrelated people living together. Nationally, the supply of HMOs is matched to an increasing demand from diverse social groups, as private rental accommodation is increasingly sought in light of the lack of affordability within owner-occupied housing markets and lack of availability of social rented housing.^[4]

The private rented sector, of which HMOs form part, has undergone significant growth over time and it is now the second largest tenure in the UK, comprising around 4.5 million households in England. HMOs offer accommodation that is typically cheaper than other private rental options and often houses vulnerable tenants. There were an estimated 497,000 HMOs in England and Wales at the end of March 2018.^[5]

3.0 Legislation and Licensing Schemes

The operation of HMOs is governed under the Housing Act 2004 and offences under the act may be pursued by local Housing Standards departments, potentially leading to prosecution with no maximum penalty.

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 required large HMOs which were defined as properties that are rented to 5 or more people who are from more than 1 household, where some or all of the tenants share a toilet, bathroom or kitchen facilities and where at least 2 tenants pays rent, to be registered and licensed. Historically smaller properties rented to fewer people may have only required a licence depending on the area. However, from 1 October 2018, the Government extended the scope of mandatory HMO licensing in England so that it applies to HMOs with five or more occupiers living in two or more households regardless of the number of storeys and introduced a two-tier approach to the regulation of HMOs: mandatory licensing for larger 'high risk' properties, and additional (discretionary) licensing for smaller HMOs. The new mandatory conditions were introduced to regulate the size and use of rooms as sleeping accommodation and to require the licence holder to comply with their local authority domestic refuse scheme. Additionally, it was suggested that the changes would help to avoid 'rogue' landlords focusing their operations on smaller HMOs.^[6] It was estimated that the changes would bring an additional 177,000 HMOs into the mandatory licensing regime in England.^[7]

Licences are valid for 5 years and renting out an unlicensed HMO carries an unlimited fine. Local Authorities (LAs) are required to carry out a Health and Safety Rating System (HHSRS) Risk Assessment on HMOs within 5 years of receiving a licence application and where unacceptable risks are found work must be carried out to eliminate them.^[8]

Although there are varying views on the effectiveness of licensing, the Government considers that it has helped tackle overcrowding, poor property management and the housing of illegal migrants.^[9]

4.0 Waste Collection Services from HMOs

A condition of the HMO licensing scheme is compliance with the LA's storage and waste disposal scheme (if one exists). This condition requires the licence holder to comply with any scheme or directions issued by the LA prescribing the number and use of receptacles for the storage and disposal of domestic waste generated from the HMO. It is intended to address the problems that can arise from inadequate waste disposal facilities at HMOs, such as rubbish accumulation and pest infestation.^[10]

The waste capacity provided to HMOs is at the discretion of the Waste Collection Authority (WCA). A wider review of LA services may be required, however in many cases an HMO will be entitled to the same waste capacity as an ordinary domestic property irrelevant of the number of householders as only one amount of council tax is payable. Additional capacity may be available upon request and may be chargeable through a LA commercial waste service or may require residents to undergo a waste analysis to ensure they are taking full advantage of any kerbside recycling services available to them. Alternatively, HMO landlords may be required to procure additional waste collection services from a private registered waste carrier.

5.0 Barriers to Improving Waste Management Practices in HMOs

Previous research has shown there are several barriers to recycling. A review of the evidence since 2008 states that approaching a quarter of all household properties in the UK can be described as 'flats' and these properties are often associated with poor recycling performance

whereby capture of recyclable material is low and contamination can be high.^[11] The evidence review highlights the complex and highly interlinked array of barriers that come together to create these problems. It shows that the term 'flats' covers a massive variation in physical and social settings, and a comprehensive 12-category typology is proposed to allow these distinctions to be made and to help develop customised solutions to the different types of barriers involved. HMOs fall within this typology and the report identifies the following key factors to highlight the complexity involved in getting people to recycle effectively from these properties:

- Several functionally distinct occupiers 'households' in the same premises, often sharing the kitchen, living room and bathroom, as well as sharing waste containers;
- High occupancy mobility, transient / temporary overstaying occupants;
- Most occupants are private rental sector tenants and may be students or fragmented families in crisis with unpredictable domestic organisation; and
- Landlord may be absentee or located at distance.

The following section of this report reviews the wider existing literature to expand on these key barriers to recycling in HMOs and helps to identify where opportunities for improved engagement with both landlords and residents of HMOs may exist and how they may help to boost performance.

5.1 Multiple stakeholders

Resource London's "Guide to Improving Waste Management in the Domestic Rented Sector" highlights how poor waste management practices in the domestic rented sector have a negative impact on recycling performance and are often considered to cause Streetscene issues resulting in significant cost and resourcing implications for LAs.^[12] It highlights the range of stakeholders that are required to interact throughout the rental process and suggests that collaboration between LAs, tenants, landlords and agent representatives focusing on providing information at the right time in the right format in order for tenants and landlords to understand their responsibilities is necessary and should be supported by LAs being empowered to take appropriate action where such responsibilities are not met.^[13] Similarly the range of stakeholders involved in the management, operation and occupation of HMOs, demonstrated in figure 1, may impact the way in which waste from such properties is managed.



Figure 1. HMO Stakeholder interaction

Each stakeholder may have competing demands and priorities which affects the overall recycling potential of the property. For example, landlords have a range of legal obligations to ensure the property is safe and meeting these requirements may take priority over issues surrounding waste and recycling. Additionally, there is a high incidence of landlord absenteeism whereby knowledge of local services is limited and there is little opportunity to engage with residents putting greater emphasis on LA communications. Discussion with Islington Council suggests that local motivations can have a key influence on the willingness of landlords or letting agents to effectively engage with local services and ensure their residents have the appropriate equipment and knowledge to be able to access them. An improved understanding of the nuances of the potential stakeholder interactions associated with HMOs is key to developing appropriate interventions to improving recycling and carrying out effective engagement work.

5.2 Identification of HMOs/Unregistered HMOs

A further key factor in effectively addressing the barriers to recycling in HMOs is associated with the registration and licensing process. Whilst larger properties must be licenced there is no compulsory registration for properties less than 3 floors. Whilst there may be discretionary registration arrangements for smaller properties these can be specific to each LA area. In London alone it is thought that some boroughs have up to 15,000 HMOs and between 15 and 20% are believed to be unregistered.^[14]

Additionally, a key barrier to LAs tackling waste issues created by HMOs arises from unregistered properties. Often properties are let through a single person lease and investigations may be required to prove properties are in fact operating as an HMO and in order to ascertain who the responsible manager is. Often it is not until there are issues such as fly-tipping or side waste that a property may be identified as an HMO.

The extent to which identifying HMOs may be an issue is highlighted in a study carried out in Charnwood whereby an additional 1,653 HMOs were recorded compared to previous knowledge of HMOs in the Borough.^[15] The study carried out by Loughborough University provided Charnwood Borough Council with a fuller and more accurate understanding of the scale and magnitude of HMOs in the area and a fuller evidence-base of the geographic distribution of different types of HMO. Carrying out similar studies would provide LAs with knowledge to inform both their waste and wider HMO policies and the report provides recommendations of good practice in terms of improving the identification of HMOs.

5.3 Transience

It is common for high levels of transience amongst HMO residents. Within the domestic rented sector in London alone 32% of residents moved within 2016 and 70% lived in their home for less than 2 years which presents significant issues in terms of the communication and delivery of LA waste collection services.^[16]

The "Guide to Improving Waste Management in the Domestic Rented Sector" identifies several potential points of failure during the moving process in the current rental system. These points of potential failure include the point of signing tenancy agreements, as tenants move in to or vacate the property and are key opportunities for ensuring there is adequate provision made for waste and recycling, and that it is clearly communicated to residents which are often missed. The impact of failing to provide adequate waste and recycling infrastructure and knowledge to residents around waste management practices may be exacerbated by factors also common in HMOs and flats such as lack of storage space or poor access to communal areas.^[17]

5.4 Storage

The Recycling in Real Life report identified storage as a key barrier to recycling for residents living in purpose-built flats.^[18] Within the study several respondents were identified as living in a flat operating as an HMO; issues relating to storage were also reflected in their comments suggesting that this remains a key barrier to recycling that needs to be addressed amongst such property types.

"This is the shelf where we put our recycling because we don't have a recycling bin."

"We try to store the recycling under here [sink] so that we're not going out every day"

5.5 Roles and responsibility

Research shows that of the top 10 things that flat mates/house sharers fall out about, 69% cite not cleaning up after cooking and 64% cite flat mates not doing their share of the cleaning.^[19] Additionally anecdotal evidence suggests that a key barrier to recycling in HMOs and shared properties is the lack of, or inconsistency of, roles and responsibilities with regards to the storage and presentation of waste for collection. This is supported by the comments from residents identified as living in HMOs in the Recycling in Real Life report.

"I hope it's not full...oh yeah it is full, I guess no one has gotten 'round to changing it yet"

"Our cleaning rota gets updated every week, and it's just your basic cleaning tasks...I'm not going to pretend I'm the best...but my housemate never takes out the bins, ever"

"My housemates always leave the rubbish on the balcony and I have to take it to the bins"

"We don't like cleaning and emptying the fridge...I'm responsible for cleaning the fish tank. No one's really responsible for taking the bins out so that occasionally piles up"

The role of household dynamics and in-home division of labour in the 'work' of recycling is also a key theme in the 2008 review of evidence into barriers to recycling and the report highlights that the household, not the individual, is the basic behavioural unit.^[20] This therefore requires more to be known about the recycling behaviour of all the different people within the home if we are to get better at helping households make the changes that will result in effective recycling behaviours. Further qualitative research to gain a better understanding of how behaviour change interventions could best influence the collective setting of people within a household and taking account of the way household chores and the domestic routines are divided up amongst household members would therefore be beneficial in breaking barriers and improving performance.

5.6 Communication

Several of the barriers that are specific to HMOs in terms of recycling performance affect the ability of effective communication between stakeholders which is reflected in the comments recorded during interviews with HMO residents as part of the Recycling in Real Life Report.

"All of these communal things aren't very well communicated so we just try to mind our own business!"

"There's always lots of information up here but I don't really ever look at it"

"We get information about the residential meetings here... at the moment it's just a poster about a missing cat"

Research shows that different communication methods may be more or less appropriate depending on the tenure type and 'The Moving in Greater Manchester' report suggests that people living in rented accommodation prefer to receive information about recycling from their landlord or housing association. ^[21]

5.7 Routines

The routines that residents develop around the storage and disposal of their waste and recycling may be a key point of leverage at which to target behaviour change interventions. The comments below highlight that the different systems that may be in operation not only differ from household to household but also may differ within each room of a household depending on how engaged individuals are but also how engaged the collective household is. Again, qualitative research may help to better understand how such routines develop and what opportunities for change and/or standardisation may exist.

"I never got round to buying a bin for my room so I just put it all in a bag by the side of my bed"

"What I really love about this flat is that we actually have chutes right here in our kitchen, we just put the rubbish in there and the porters come and collect it"

"This is the normal bin, where all food waste and non-recyclable things go. We also normally have a recycling bag next to it, we don't have a recycling bin, we should do, but we don't"

"This is the bin rota. There are three couples; we just rotate who has to take the bin out. And a nice little recycling sign, so everyone can remember what to recycle. It's not passive-aggressive or anything."

5.8 Diverse Audience

The ways in which key messages regarding recycling are communicated and the methods used to motivate people to recycle are greatly affected by the audience. "Moving in Greater Manchester" identified key differences between potential target audiences and their recycling behaviours based on tenure type. Those living in private and socially rented accommodation were more likely to be younger groups falling within Segment 1 whereby levels of contamination are likely to be higher and yields of recycling lower. This group is also more likely to use non-kerbside waste and recycling services more frequently. The segment is least motivated to recycle and when moving into a new property and more likely to wait for recycling information to be provided to them rather than seeking it out for themselves. ^[22]

The HMO market has become increasingly diverse in recent years and the Charnwood study discusses the changing market dynamics and the potential impact on the economic structure of towns. It also provides several salient findings that will inform discussions on future HMO policy. The report identifies that there are two distinct dimensions to the market; the student HMO market and non-student HMO market and highlights the key differences between these two groups. It also suggests that the HMO market is growing and diversifying and there is an increasing presence of vulnerable low income, vulnerable migrant groups and a more diverse

group of professions in non-student HMOs. ^[23] All these factors are likely to have an impact on participation in waste and recycling schemes and the effectiveness of associated communications due to a wider range of cultural and language barriers.

5.9 Multiple booking/letting platforms

The HMO market is embracing technological developments including a growth of web-based platforms which accounts for the lack of niche letting agents. ^[24] This may impact the consistency of communications and service provision in HMOs. Additionally, there is concern that the unregulated proliferation of Airbnb-style short lets will lead to mainstream rent rises for long term tenants and an increase in properties operating as HMOs without appropriate licensing or registration ^[25] which may exacerbate some of the issues and barriers to recycling discussed within this report.

6.0 Landlord Engagement

In order to understand the role of HMO landlords in encouraging participation in recycling services amongst their residents and how LAs can effectively engage with landlords' questions were posted on 'The HMO Group' Facebook page, a community dedicated to sharing information, educating and empowering HMO landlords. Additionally, a search of previous posts relating to waste and recycling was carried out to identify common themes.

6.1 Containers and access to services

Landlords cite access to services through their LA as being a key barrier limiting their ability to encourage tenants to recycle correctly.

"My hands are tied by the council condition on the planning approval for waste disposal which can only be done by means of a single large industrial type bin which does not allow for segregating waste."

"I have found it a painful and laborious process to source larger bins for recycling than standard issue. Required copies of passports, tenancy agreements etc. and it took forever"

A consistent approach across LAs regarding the provision of waste and recycling services to HMOs that is clearly communicated would help to ensure that landlords are aware of their obligations and the processes they need to follow in order to fulfil them.

6.2 Consistency in collections

Levels of transience are high amongst residents of HMOs and forum comments from landlords suggest that the variation in collection services between LAs is perceived to be a source of confusion for residents and may be an additional barrier to effective participation.

"Young working professionals often choose to live in HMOs because they are moving around with their careers. Having very different recycling rules across different councils (even neighbouring councils) causes confusions about what can and can't be recycled. And means that either items aren't recycled that could be – or that items contaminate the recycling for that particular council."

Although LAs have made great progress in recycling in recent years, services and performance still vary across England. However, WRAPs ongoing work under the Framework for Greater Consistency aims to help reduce confusion and achieve increased recycling both amongst HMO residents and the wider community. ^[26]

6.3 Lack of motivation

Landlords commonly cite lack of motivation as a key factor for residents not participating in recycling services, and there is clearly frustration amongst those landlords that are keen to encourage good waste management practices in their properties when residents do not comply.

"I've generally found that despite providing all the relevant bins – copies of the council's instructions on the house noticeboard – and separate recycling bins in the kitchen – HMO tenants are generally lazy and just chuck it all in the general waste. This is a demographic that you'd expect to be more concerned about being green etc. talk the talk when asked but don't walk the walk."

"We must have been explained recycling practices to incoming tenants verbally at least 2000 times during check ins. Always frustrating to see they are rarely observed perfectly but mostly it does work".

"Tenants normally can't be bothered. When the cleaner is at houses weekly I get her to have a quick look in the recycling bin prior to putting them out. I also have a list of what can be recycled right by the bin, but they still put food in it."

Any practical, operational or communication interventions implemented to encourage participation in recycling services should help to address the barriers that have been identified in Section 5 but also must tackle lack of motivation. Use of WRAPs segmentation information can help to ensure that appropriate messaging is used in a way that is most likely to resonate with the categories of people we can expect to be living in HMOs.

6.4 Interventions

As suggested in the "Recycling in Real Life" report there are many reasons why people do not recycle effectively. Many residents want to recycle but either have incorrect or insufficient knowledge about how to do so correctly and/or their efforts may be undermined because it is not sufficiently easy for them to do so. ^[27] Research suggests that three conditions must be satisfied for people to participate in recycling. They must be motivated to do so, they must have the correct knowledge to do so and it must be sufficiently easy for them to do so. These conditions are interdependent. If any one or more of them is not met, it will undermine the other two. The "Guide to Improving Waste Management in the Domestic Rented Sector" report also concludes that there are no silver bullets and a range of interventions designed to educate and encourage, enact and enforce are required. ^[28]

Discussion on the HMO forum revealed that several landlords have implemented their own interventions to try and address the issues of poor waste management practices amongst their residents and to encourage more effective recycling. There a range of proactive and reactive solutions but most include developing more defined roles and responsibilities and encouraging an improved sense of ownership by improving the surroundings and living environment for residents.

"I find that it is usually one or two tenants that put the wrong stuff in the recycling bins. Only solution is to have a CCTV camera directly above the bins to see who is putting what in the bins."

"I have one tenant who is taking control of it."

"I am just about to do a simple guide to recycling video for our tenants. As mentioned above different local authorities have different rules and our housemates move around a lot and are just confused (and sometimes lazy)."

"I am hoping now the house is reset they will take more ownership. I think the last tenant to come in is a bit of a clean freak so hopefully that will help".

"The only thing that worked in the end was if they didn't put them out that is fine, but we will need a company to come in and sort, but it will be charged to all tenants. They have been much better since."

Further interventions suggested within the group include:

- Providing internal and external recycling boxes
- Explaining the recycling system to residents on moving in day
- Providing details of what to do on notice boards
- Issuing email reminders on the day before collections
- Nagging residents using a journal kept in the kitchen
- Sending auto texts to the tenant's day before bin day using www.textlocal.com
- Holding a house meeting to show them how it is done
- Bin rota on a noticeboard
- Assigning the responsibility to one of the tenants for a £50 reduction in rent

Work with landlords and more focused qualitative research with HMO households to develop a range of evidence-based interventions may help to encourage a standardised approach amongst this sector of households that is proven to be effective in boosting participation.

7.0 LA Case Studies

LA engagement with HMO landlords and tenants and policies and procedures employed by LAs to tackle waste management issues within HMOs are varied. Below are some examples of good practice

7.1 Islington Council (Landlord Engagement)

Islington Council comprises 70-80% flatted properties which are largely privately rented and HMOs. The council has worked extensively with social landlords and there is now a strong political focus to tackle waste issues arising from privately rented properties.

The council operates HMO licencing schemes in 2 areas; the first is a Mandatory licensing scheme and aims to ensure that larger, higher risk HMOs meet HMO standards and are adequately manage. the second focuses on two specific roads where there was evidence of widespread poor management and disrepair within HMOs. This provides a network to engage with landlords and the council provides downloadable communications resources for landlords to use in their properties. Work is also being undertaken to improve clauses in tenancy agreements.

Islington Council are developing a dedicated webpage for residents in the private rented sector and landlords offering advice on ways that landlords can improve the information they provide as well as providing communication tools they can use with their residents. The webpage will also include what residents in private rented accommodation can expect from their landlord. ^[29] HMOs are entitled to as much recycling capacity as required free of charge and residual waste collections are unrestricted and weekly.

Currently no enforcement activities are taking place within the Borough however work to include clauses in tenancy information through licensing schemes will allow for an effective enforcement procedure to be introduced whereby recycling and waste issues may be incorporated into existing inspections carried out by Housing Standards.

7.2 Preston City Council (Enforcement)

Each council tax paying property in Preston is entitled to one 240 litre wheeled bin for residual waste. Larger households may apply for additional refuse capacity and upon inspection if they are found to be fully participating in available recycling schemes up to a maximum of two 240 litre wheeled bins may be issued. Where HMOs still require additional capacity, landlords are required to take up a commercial waste contract with the authority or other licensed waste carrier. The council's experience has been that a strict policy on residual waste capacity is required in order to carry out any ongoing enforcement activity.

The authority employs a robust enforcement procedure to tackle waste issues arising from HMOs. The authority's Council tax department annually provide details of properties registered as HMOs or those registered as Council tax exempt due to full time students occupying the property. As a result, generic information detailing the responsibilities of HMO managers/landlords relating to their tenants' waste is issued across all properties. This document requires strict adherence to regulations listed in The Management of Houses in Multiple Occupation (England) Regulations 2007. Where duties are not met a warning letter is issued explaining the breach of regulations and requiring standards to be rectified within the 7 days from the date of issue. The authority has experienced 90% compliance following issue of the warning letter.

Another enforcement route employed by the authority is through the Environment Act 1995 Section 108, whereby WCAs have the power to request information to assist with fly-tipping investigations. Failure to supply the information is also an offence for which a fine may be given. The council serve this notice on the owner or manager of the property in order to obtain details of the HMO residents.

Community Protection Warnings (CPW) and Notices (CPN) have been used more recently to tackle issues arising from HMOs. This can be used for a variety of nuisances that have an impact on the local amenity such as excess waste. The CPW lists obligations and conditions which may include a landlord ensuring appropriate waste receptacles and storage is provided or that all waste is disposed of correctly at the end of tenancy periods. Where an ensuing breach of these conditions takes place a CPN is issued which gives the offender 7 days to comply. CPNs carry a £100 fixed penalty fee.

Focus has previously been on HMOs that are occupied by students where links with university accommodation services have provided a channel of communication with landlords. However, Preston's experience has been that with a rise in privately owned student halls of residence HMOs are more commonly occupied by a wider variety of residents often presenting additional barriers including overcrowding and language problems.

Other pro-active activities the authority has carried out in order to tackle waste issues created by HMOs include clean-up activities arranged with student landlords.

7.3 Southampton City Council (Planning)

Within Southampton City Council's Local Development framework an HMO Supplementary Planning Document (SPD) was published in March 2012 concerning proposals to convert properties to HMOs. ^[30] The SPD requires developers to provide adequate space for

management of waste which should be sited and designed to enable residents and collection workers to conveniently and safely manoeuvre refuse bins to the collection point. Bins should not be stored visible from a public highway or in full public view. These facilities must be set up and maintained as approved on the submitted plans by the Council before the HMO is first occupied by the tenants. Where appropriate developers may be required to submit a waste management plan with planning applications in accordance with the guidance set out in the Residential Design Guide, Section 9 - 'Waste management'.

8.0 Conclusions

In conclusion there is a complex mixture of environmental, situational and personal barriers to recycling in HMOs. Addressing these barriers requires a deeper understanding of the interactions between them and the multiple stakeholders involved. Further research into what it is like to live in, manage and service HMOs would be a valuable next step so that key leverage points for engendering behaviour change can be identified. This would allow LAs to develop common practices in terms of service provision and communication with landlords and residents. Additionally, whilst it is clear that there are several opportunities for implementing interventions, they must address knowledge, ease and motivation in order to be successful and standardised policy and process would also enhance this.

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Guide to Improving Waste Management in the Domestic Rented Sector



Foreword



Michael Caroe Andersen

London is a city of transience and movement, with large amounts of private rented property: 32% of households in London's private rented sector have moved in the last year and 70% have lived in their current home for less than two years.¹ This presents very particular challenges to local authorities in communicating and delivering waste and recycling services.

During 2015-2016 Resource London held one-to-one meetings with every one of the London's Boroughs as part of its programme of engagement to explore opportunities to improve London's recycling rate. Poor waste management practices in the domestic rented sector were commonly identified as having a negative impact on recycling performance and were often considered to cause significant street scene issues such as small-scale dumping. This in turn has significant cost and resourcing implications for local authorities at a time of sustained financial pressures on budgets.

In response Resource London, together with the London Environment Directors Network (LEDNET), established a research project to identify opportunities for improving waste management practices within the capital's domestic rental sector. Eunomia Research and Consulting Ltd was commissioned to set up a project board with representatives from the sector, including social and private landlords, managing agents and tenants as well as London boroughs and the core cities. The project board has focused on finding practical solutions that can be put in place in the short to medium term.

Interventions explored included local authority enforcement, licencing schemes, the role of tenancy agreements and better communication between councils, landlords and their tenants. The outputs presented here show however that there is no 'silver bullet' and what is needed is a range of locally relevant interventions delivered collaboratively by a number of stakeholders.

The project has also identified barriers to improvement that will require longer term work or, in some cases, representations to Government.

The issues the project board has identified and many of the interventions suggested within this guide are not limited to London (nor, in some cases, to the rented sector). We hope that local authorities and other stakeholders in the sector nationally will find these conclusions of interest and we welcome contact from any organisations with relevant experience or insight that would like to get involved in further work to tackle these typically urban issues.

¹ GLA Housing Report 2014.

Antony Buchan
Head of Programme – Local Authority Support

Sue Harris
Executive Director, the Royal Borough of Kensington and Chelsea

Director, London Borough of Hammersmith & Fulham

London Environment Directors' Network
LEDNET

Project Board Statement



Improving waste management in the domestic rented sector in London and beyond requires:

- **A holistic approach** - councils need to work together, with tenant, landlord and agent representative groups to share insights and information to understand the issues and develop and trial solutions.
- **More collaboration** - locally between council departments and other bodies working with tenants, landlords and agents to identify issues and share information.
- **Clear and consistent messaging** – provided at the right time and in the right format to help tenants and landlords understand their own and each other's responsibilities in dealing with the recycling and waste they produce in the right way.
- **Action to address issues** - where tenants, landlords and their agents are not meeting their responsibilities, stakeholders need to work collaboratively and constructively to encourage them to do so, recognising that in some circumstances this may require proportionate enforcement action to be taken.
- **A clear, comprehensive and consistently applied and enforced legislative framework** - Where legislation restricts or constrains councils from taking positive and fair action on these issues we will make the case for change to Government.

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Introduction

London boroughs have identified waste management issues in the domestic rented sector as a significant street scene issue, and barrier to improved recycling rates. This guide sets out a series of interventions to address these issues.

Who is this Guide for?

This guide has been designed to examine the opportunities available to borough councils, working with tenants, landlords, House in Multiple Occupation (HMO) managers and their managing agents (along with appropriate representative bodies) to improve waste management practices within the domestic rented sector in London. It is aimed principally at officers within London borough councils but will be of interest to councils elsewhere in England and also in part to organisations representing domestic rented sector tenants, their landlords and their agents.

Information in this guide document is supplemented with more detailed supporting and case study information in the separate Appendix document.

Unless explicitly specified otherwise, the use of the term 'landlord' in this guide is intended to include HMO Managers (as per the definition within the Management of Houses in Multiple Occupation (England) Regulations 2006 ('HMO regulations')).

This guide has been designed to cover the three potential points of contact in Figure 1.

Figure 1: Point of Contact



Waste Management Issues

Anecdotal evidence from consultation between Resource London and London borough waste officers has suggested that there are a number of waste management issues commonly associated with areas containing a high proportion of rented sector domestic properties - Figure 2.

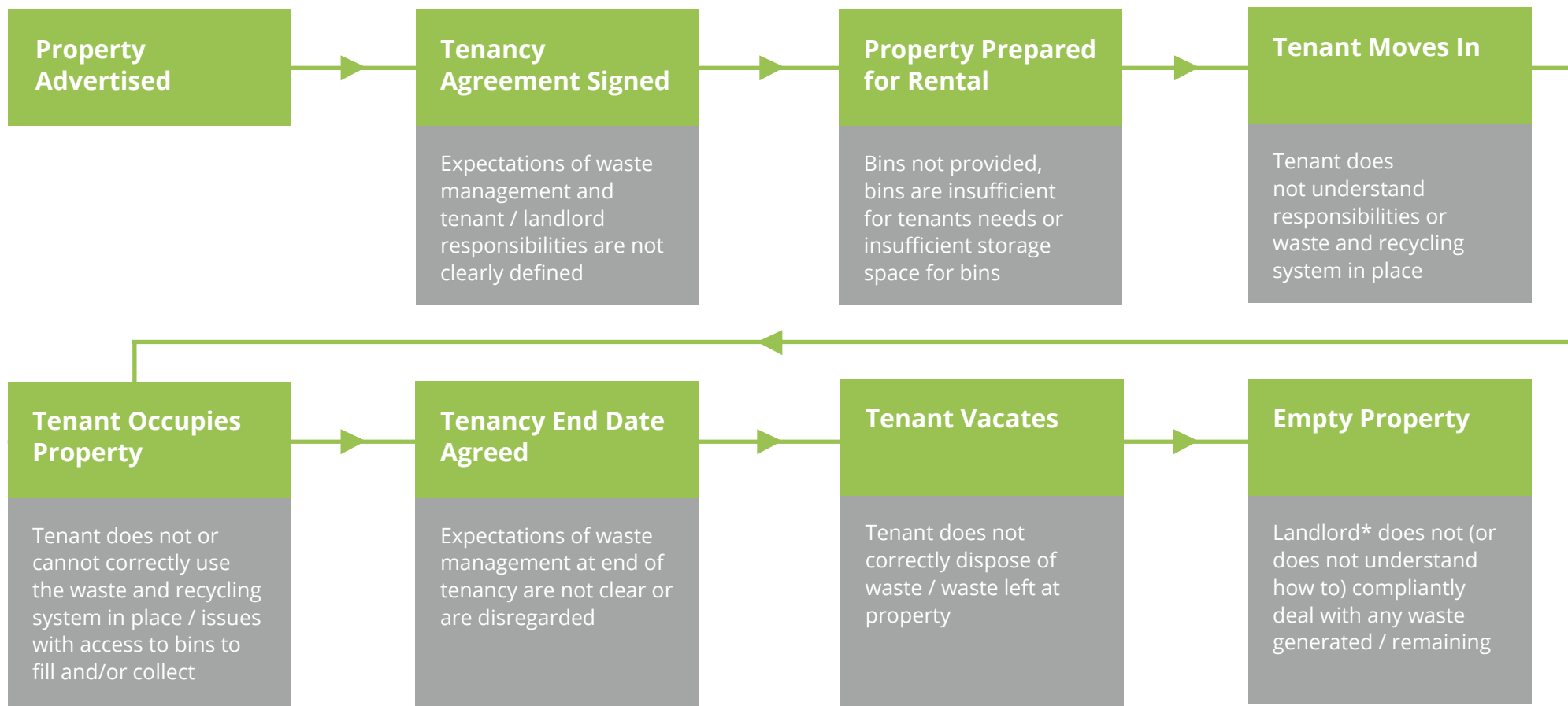
Figure 2: Rented sector waste management issues



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Research with stakeholders representing councils, tenants, private and social landlords and managing agents for this guidance has highlighted a number of key 'points of failure' within the generic rental process where problems can originate - Figure 3.

Figure 3: Points of failure



These points of failure are exacerbated by a number of (often interrelated) contributory factors - Figure 4.

Some factors are within the control of councils (e.g. lack of information on service provision), others are within the control of landlords or agents (e.g. space issues, access to bin stores/areas).

The remainder are within the control of tenants themselves (e.g. attitudinal barriers, blocked communal areas), although these will be influenced to some degree by councils communications and enforcement and landlord or agent actions.

There is therefore no single 'silver bullet' intervention that can be deployed to resolve all the waste management problems identified in this document. For this reason the guide takes a multi-pronged approach, recommending a number of interventions that waste authorities can deploy in collaboration with the other main actors in the system to:

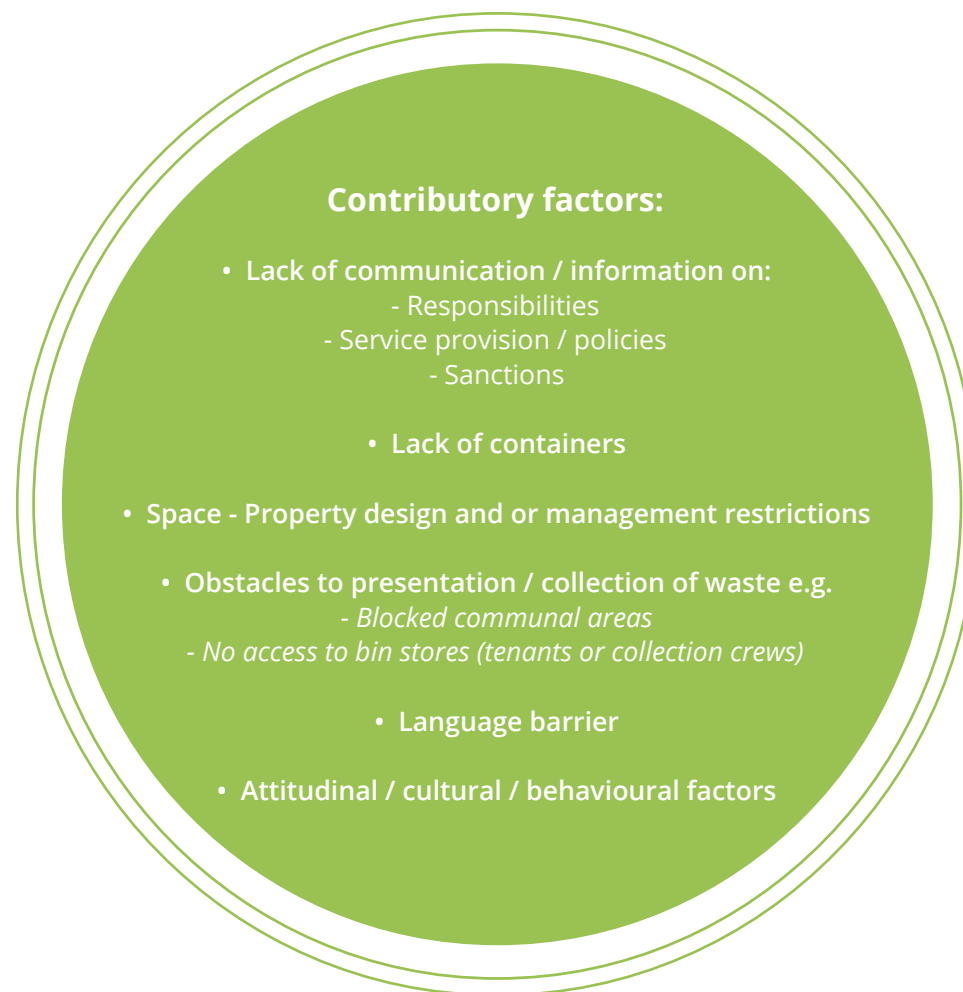
EDUCATE AND ENCOURAGE

and

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greater compliance with the various actors' responsibilities.

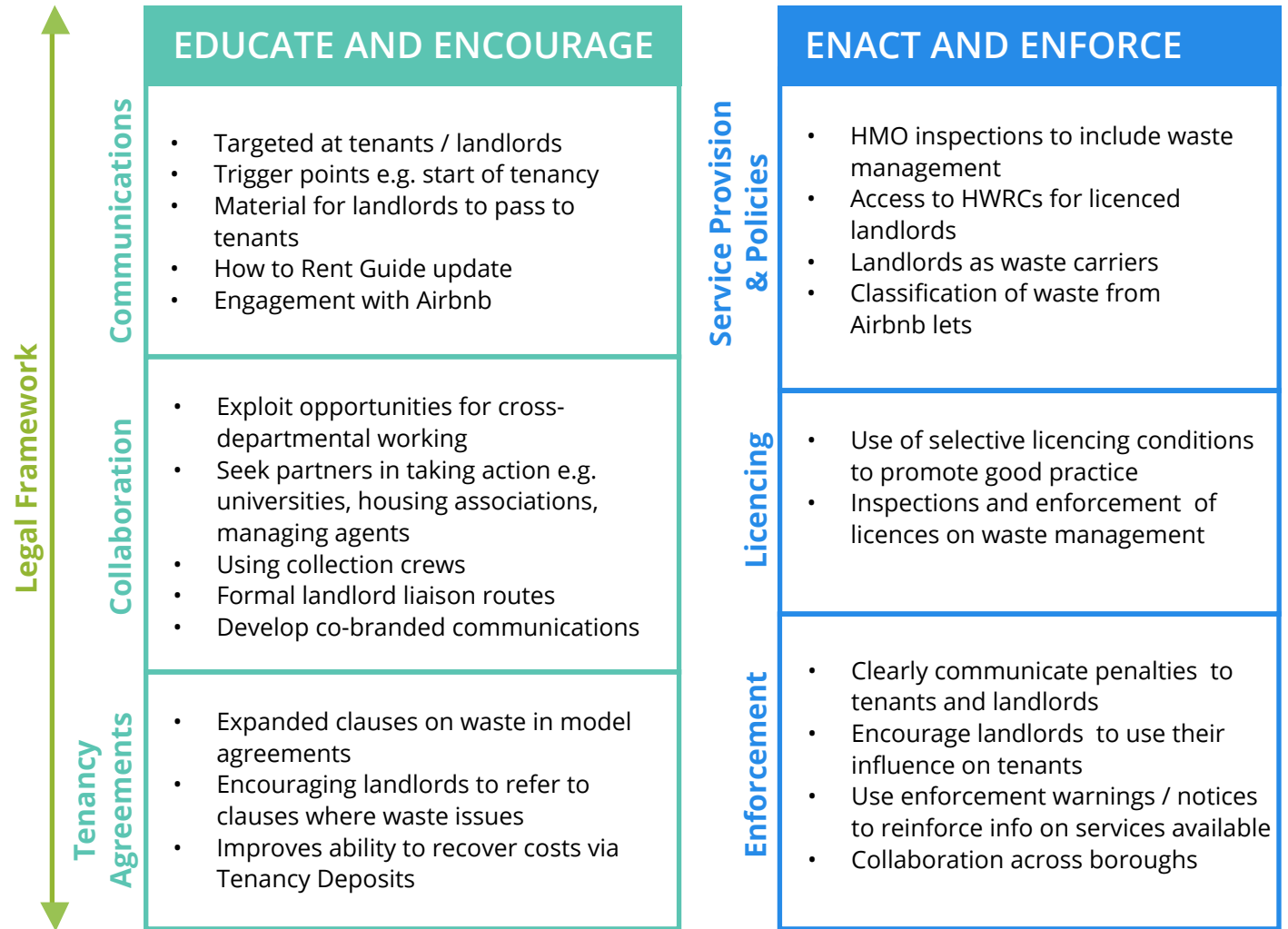
Figure 4: Contributory factors



Guide Themes and Recommendations

The proposed interventions are grouped under the two thematic areas identified above: 'educate and encourage and enact and enforce' - Figure 5 - with the whole system underpinned by the legislative framework in place - see Appendix for details of the relevant legislation / regulations.

Figure 5: Guide themes and recommendations



Communications

Councils should educate tenants, landlords and their agents on their waste management responsibilities and how they can comply with them in order to encourage compliance, and as a basis for taking enforcement action.

Communicating with Tenants

Getting information on waste management responsibilities and collection services to tenants can be difficult where there is a high turnover or where multiple households live at a common postal address. To address this:

- Service information for new tenants should be provided early on in a new tenancy i.e. within the first month (but not necessarily on day one when a new tenant is more likely to lose the information due to the disruption of moving).
- A request for tenants to leave information regarding collection services for a new tenant when they move should be added to printed material.
- Where HMO or selective licencing schemes are in place it can be made a condition of the licence for landlords to ensure that such information is provided to tenants in a suitable format and at the appropriate time – see [Licencing Section](#) for more information.
- For non-licenced properties a change in council tax registration for a property can be used as a trigger to send information. For example, information on collection services and responsibilities and details of penalties for non-compliance can be included within council tax account mailings to new council tax payers. For tenants closing a council tax account, information on excess waste services (e.g. HWRC, bulky waste collections) and duty of care responsibilities when employing waste contractors can be included with final statements or sent separately.
- Collection crews can be used as an alternative source of intelligence regarding new tenancies. Where suitable in-cab IT technology exists collection crews can either flag an address for a 'welcome' letter/leaflet to be sent, or can carry a small supply of standard letters/leaflets or bin tags to leave at the property.

See Appendix for example communications in use by some councils.

Communicating with Students

Councils with areas containing concentrations of student rentals should provide targeted communications material for these tenants at the start and/or end of the academic year. Consideration should also be given to:

- Providing additional waste collection services to students at the end of term to mitigate against the increase in side waste, waste left in front gardens or small-scale fly-tipping.
- Establish partnerships with universities and colleges to set up student-led re-use and recycling schemes linked to the end of term
- Providing information on collection services to the main student accommodation landlords within the authority area for inclusion in their own website or 'welcome packs'
- Engaging with university community-liaison offices as a communications channel.

See Appendix for examples of the above schemes.

DCLG 'How to Rent' Guide

Any new tenants are legally obliged to be provided with a copy of the '[How to Rent guide](#)' published by DCLG. Representation has been made to the DCLG suggesting additional wording on recycling and waste for inclusion when the guide is next updated. – See Appendix for details.

Communicating with Landlords and Agents

Communications material should be targeted at landlords focussing on:

- Providing adequate space and containers for recycling and residual waste;
- Confirming responsibilities for its storage, separation and placing for collection to their tenants; and
- Emphasising the legal duties on landlords and the potential sanctions available to the council should these duties not be met.

In addition Councils should consider:

- Making letters or printed guidance material targeted at tenants, landlords or agents available to download from the council website. This material can include separate material addressed to tenants, for example by including in their own 'welcome pack', alongside (or even as a schedule to) the tenancy agreement, or by placing in the property (e.g. on a notice board) with a clear request that the landlord or agent make this available to existing and any new tenants. A similar approach is taken in some selective licencing schemes – see [Licencing Section](#) for examples.
- Where the council holds name and address details of landlords or the main managing agents operating in an area, or can access this information via other council departments (for example via a council accreditation or licencing scheme), then letters or leaflets containing the information above can be sent direct for their attention.
- Council housing departments may be able to help council waste service officers in identifying key landlords or agents operating within specific areas. In the absence of information from other departments in the council, online searches can identify the largest managing agents within an area with whom the council can communicate directly.

Key Messages

Communications material targeted at tenants or landlords and their agents should include:

For Tenants	For Landlords / Agents
<ul style="list-style-type: none"> • Clear description of, and instructions on complying with, the collection services offered • Details of how to find out collection days for a specific property • Details of bulky waste collection services offered • Details of how to contact the relevant council department where there are issues e.g. requests for additional/larger/ replacement bins or sacks • A reminder not to fly-tip or leave excess waste around bins or in yards, gardens etc and the potential penalties for doing so • Signpost to further information such as the council’s website or recycleforlondon.com 	<ul style="list-style-type: none"> • An outline of landlord responsibilities including: <ol style="list-style-type: none"> 1. To provide information for tenants on collection services 2. To provide suitable space for recycling and residual waste bins 3. To provide recycling and residual waste bins to tenants in accordance with council policy and recommendation that these be included in the inventory associated with the tenancy agreement 4. Duty of care obligations e.g. with regards to the transfer of waste • Confirmation on classification of different types of waste as household or commercial • Details of how to contact the relevant council department where there are issues or more information is required

- Alternatively boroughs may be able to liaise with national bodies such as the National Landlords Association (NLA) or ARLA Propertymark (representing agents) to get information passed through to landlords and agents via newsletters or local forums.
- Another means of communication open to councils is via landlord and/or agents forums which some local authorities have established. These are covered in more detail in the Collaboration Section. Councils can consider setting up a simple registration scheme as part of a forum or separately where landlord forums are not in place, for landlords to sign-up to receive information on changes to collection service arrangements / rules relevant to their properties.

See Appendix for examples of some of the above.

Collaboration

Waste services should collaborate with other council departments and external bodies which interact directly with tenants, landlords and their agents to get information on waste management responsibilities and services to the right place and identify those for whom enforcement action is appropriate.

Multi-departmental Working

Potential exists in many councils for increased collaboration between departments and external partners - Figure 6.

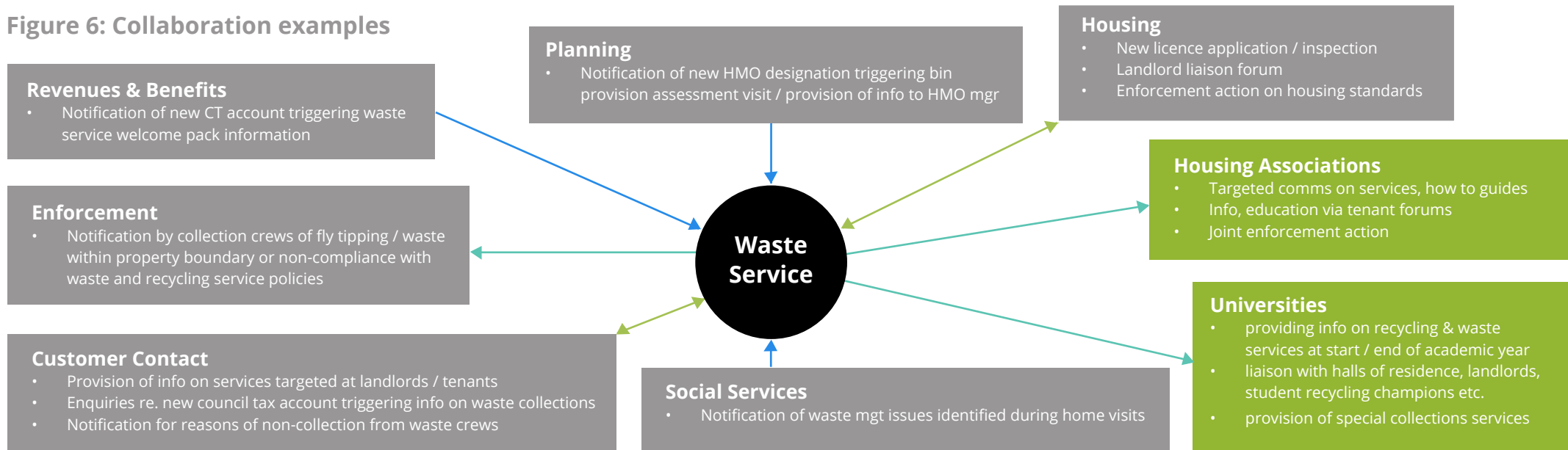
Further detail on these examples can be found in the Appendix.

Information Communications Technology (ICT) can support this e.g. in-cab ICT in waste collection vehicles for reporting on waste in gardens, fly tipping, excess side-waste, broken bins or evidence of insufficient containment. This information can then be used to trigger proactive visits by council and/or enforcement/housing officers.

Working with Landlord groups or Managing Agents

Landlord forums or voluntary landlord accreditation schemes, where these exist, can provide a direct communication channel for the waste service to highlight landlord and agents' responsibilities, confirm collection service rules and consult with landlord members on issues such as waste in gardens or contamination of recycling bins – See Appendix for examples.

Figure 6: Collaboration examples



Recommendations

Waste services should look for opportunities to collaborate with other council departments or external partners to address waste management issues in the rented sector, by for example:

- Making connections and developing partnerships with other council departments to share information and develop joint approaches to targeting tenants, landlords and their agents.
- Making connections and developing partnerships with external organisations such as universities, housing associations, or lettings agents with strong presence / market share in area, to share information on key waste management responsibilities, collection services and service rules.
- Using landlord forums, where these exist,
- as a route to communicate service information and landlord and tenant responsibilities.
- Where one or more lettings agents have a significant market share in a particular area, the council should seek to work with them on communications and specific targeted services (such as one-off bulky waste collections).



Tenancy Agreements

Tenancy agreements can play a role in clarifying tenant and landlord responsibilities in relation to waste management. The clauses set out here should be promoted for inclusion in model tenancy agreements.

Model Clauses

There are a number of 'model' Assured Shorthold Tenancy (AST) templates currently available for use by landlords and their agents. Some, but not all, contain clauses related to responsibilities for waste and recycling – See Appendix for examples.

Inclusion of waste management responsibilities within agreements has the potential to be a useful lever in encouraging tenants to act responsibly both during and at the end of tenancies. In considering opportunities to expand and strengthen tenancy agreements from a waste management perspective, the following clauses are suggested for inclusion:

Model AST Agreement Clauses

Landlord's Obligations:

- The landlord shall provide tenants, from the start of the tenancy, with written information setting out their responsibilities with regards to the proper storage and separation of recycling and residual waste (including bulky waste) and its placement for collection in accordance with the policies set out by the local authority.
- The landlord shall ensure that, where applicable, tenants have means of access to any communal containers for the purpose of separating and storing recycling and residual waste and its placement for collection in accordance with the policies set out from time to time by the local authority.

Tenant's Obligations:

- The tenant must keep the property including all yards, gardens, outbuildings and any other external areas within the curtilage of the property free from waste and fly tipping deposits.
- The tenant must not deposit any waste or possessions in shared or public areas.
- The tenant must store, separate and place for collection all recycling and residual waste (including bulky waste) in accordance with the written information provided to the tenant at the start of the tenancy and in accordance with the policies set out from time to time by the local authority.
- Where any waste, due to its size and/or type, is unsuitable for collection by the local authority, the tenant must make arrangements for the safe and legal removal and disposal of this waste in line with his Duty of Care under section 34 of the Environmental Protection Act 1990.
- The tenant must remove all possessions (including any furniture, mattresses etc) belonging to the tenant or any member of the tenant's household or visitors, and all waste from the property (including any exterior areas within the curtilage of the property) at the end of the tenancy. If any such possessions are left at the property after the tenancy has ended, the tenant shall be liable for meeting all reasonable removal and storage charges. The Landlord will remove and store the possessions for three months (other than any perishable items which will be disposed of immediately) and will take reasonable steps to notify the tenant. If the items are not collected within three months, the Landlord may dispose of the items and the tenant will be liable for the reasonable costs of disposal. The costs of removal, storage and disposal may be deducted from any proceeds of the disposal.

Note: These clauses are provided as examples only – care should be taken to ensure that, where used, the final form of these clauses is compatible with the form of tenancy agreement with which they are to be incorporated (and associated definitions and obligations imposed on tenants contained therein).

These clauses will be recommended to DCLG and landlord/agent representative bodies for inclusion within model AST agreements.

See Appendix for further information related to the invocation of clauses in ASTs and the use of inventories.

Recommendations

- Councils should promote the model AST clauses set out above for inclusion within council tenancy clauses (where relevant);
- Councils should include recommendations on including these clauses within AST agreements in any guidance material targeted at landlords as well as the guidance set out above on invoking clauses and the use of inventories.

Waste Collection Service Provision and Policies

Councils need to consider collections policy for HMOs and HWRC and Bulky Waste collection service provision as a way of addressing some waste management issues in the rented sector. Providing clarity on the classification of waste and charging for collections in certain circumstances affecting renters can also have a positive impact.

Introduction

Rented sector properties are, in the main, not treated differently from owner-occupied properties when it comes to the provision of collections services and related service rules. Specific policies and services can be considered however for: **HMOs**, **HWRCs** and **bulky waste**. There is also the question of how **classification of waste** produced from short-term lets and **charging for the collection** of waste in certain circumstances can affect rented sector tenants and landlords.

Recommendations

HMOs

- Proactive advice should be provided for HMO Managers on legal obligations related to waste management, standard collection service provision (including details of container provision), specification requirements for any containers provided by HMO Managers etc. This can be via a HMO planning permission application or new HMO inspections (either by planning or housing officers or via a separate visit by waste service officers).

- The waste service should work with the housing department to ensure that any inspections of new HMOs includes consideration of waste management provision including, where relevant to the collection policy in force, an assessment of the container requirements such that adequate containers and separation and storage facilities can be provided to tenants.
- Consideration should be given to the provision of re-usable bags for the separation and transport of recycling from individual dwelling units within HMOs to the communal collection containers provided.

HWRCs

- HWRC services should be promoted to tenants and landlords as an outlet for the deposit of waste and recycling generated from the process of moving in and out of rented properties.
- The circumstances under which landlords are able to access HWRCs and the policies in force regarding the acceptance of waste generated from 'DIY' works should be communicated as part of any waste service information material targeted at landlords.



- Where selective licensing schemes are in place, consideration should be given to allow access to HWRCs for the deposit of household waste by non-resident landlords on production of their licence (as a positive incentive for licencing).
- Any information on the disposal of waste by landlords should include a clear statement regarding their duty of care obligations. This should include the requirement, in certain circumstances where they are transporting waste themselves, to be registered as a waste carrier.

Bulky Waste

- Consideration should be given to advertising additional services targeted at rented sector service users e.g. working with managing agents with a large portfolio in areas with persistent bulky waste issues to advertise and offer one-off free collections, targeted advertising of furniture re-use schemes to landlords and agents for providing to their tenants.

Classification of waste and charging for collections

- Councils should ensure that tenants, their landlords and agents are provided with clear unambiguous information regarding the classification of waste produced in the different circumstances relevant to rented properties and what this classification means in terms of responsibilities and charges for collection.
- Where a council incurs additional cost in collecting waste set out in contravention of a notice issued pursuant to s.46 (1A) of the Environmental Protection Act 1990 - requiring waste to be placed for collection in specified receptacles – the Authority can issue a charge to the occupier under the Controlled Waste (England and Wales) Regulations 2010. The charge should be used to recover additional collection costs only and not as a means of enforcement.
- Councils should consider providing information on the classification of waste generated from short-term lets such as those advertised via Airbnb and similar platforms and the implication of this for whether a charge for collection can be applied.

See Appendix for further information and examples on the above.

Licencing

Where licencing schemes are in place, obligations on landlords related to waste management should be included within the licence conditions.

Model Licencing Conditions

The Housing Act 2004 ('2004 Act') makes provision for selective licencing to be used as a discretionary tool for local housing authorities to improve the management of privately rented properties which accommodate single households. HMOs can be subject to additional licencing schemes. – See *Appendix for further details.*

Councils considering introducing new additional or selective licencing schemes or renewing existing schemes should incorporate the 'model' conditions set out below:

Model Licencing Conditions

1. The licence holder must provide written information to all tenants, at the start of the tenancy to ensure that tenants are advised and reminded of their responsibilities for the proper storage and disposal of household waste.

This information must be provided in a clear and easy to understand format which tenants can refer to throughout the period of the tenancy.

This information should include the following details:

- How household recycling and residual waste should be separated, stored and placed out for collection in the correct containers [as per the guidance issued by the council].¹
- How to dispose of bulky household waste [as per the guidance issued by the council].¹
- If applicable, the licence holder must inform tenants of the arrangements for accessing communal waste and recycling containers that are placed in secure areas and ensure that tenants are able to access these.

2. The licence holder must ensure that all tenants have access to waste and recycling containers sufficient for the number of occupants, and that these containers provide adequate means of separation of waste and recycling by type [as per the guidance issued by the council].¹
3. Any such waste and recycling containers provided must be included within the inventory associated with the tenancy agreement (where such agreement exists).
4. Clear signage regarding the separation of waste and recycling by type must be provided and maintained on or near waste and recycling containers.
5. The licence holder must ensure that all yards, gardens, outbuildings and any other external areas within the curtilage of the property are kept free from waste and fly tipping deposits at all times. Whether clearing such waste himself, or employing a third party to do so, the licence holder must fulfil his duty of care in respect of the lawful transfer and deposit of such waste.²
6. The licence holder must carry out regular checks throughout the duration of the tenancy to ensure that all tenants are complying with their responsibilities with regards to the storage and recycling of waste (including bulky

waste) within the property and any exterior areas within the curtilage and its placement for collection in accordance with the policies set out by the council.²

7. The Licence holder must ensure that where necessary for the emptying of waste and recycling containers from secure areas the council has the required access key / code or that arrangements are made to make these containers accessible for collection on the days and times specified by the council.

Notes:

- ¹ *The council should add references to its own specific policies regarding provision of numbers and types of containers according to property type and/or occupancy levels and provide links to guidance material on service arrangements and policies for landlords to provide to their tenants to enable them to comply with these conditions.*
- ² *These conditions should be met with due regard to the conditions of common law and the tenancy agreement in place related to the tenants right to quiet enjoyment of the property.*

It is noted that under proposals being consulted on the Government is looking at extending the coverage of mandatory licencing schemes for HMOs and introducing a condition that the licence holder provides:

'adequate receptacles for the storage and disposal of normal household waste emanated from the property. The facilities must be suitable for the number of persons or households permitted to occupy under the licence and will need to be stored in a suitable accessible place within the curtilage of the property. The licence holder will also have to comply with all directions given by the local waste authority in relation to the storage and disposal of waste.'

To have an impact (over and above simply drawing landlord's attention to the part they can play in preventing or addressing waste management issues) requires those responsible for carrying out the monitoring role, funded presumably by the licence fee income, to address waste management issues with licence holders on a similar basis as housing standard issues and other anti-social behaviour.

Enforcement

There are a number of interventions set out here that councils can consider when tenants and landlords fail to comply with their waste management obligations. More joint working between councils including sharing approaches, policies, documentation etc. can make developing new approaches less time consuming costly and avoid sending mixed messages to tenants and landlords.

Introduction

Councils have different approaches to enforcing against breaches of obligations and duties. Generally speaking, enforcement action is usually considered as a measure of 'last resort'. However, early stage enforcement action is also an opportunity to continue with the communications, engagement and education activity outlined in preceding sections.

As Keep Britain Tidy has noted in its [Fly Tipping Action Plan](#), the inconsistency in enforcement approach between councils risks sending mixed messages to tenants, landlords and their agents. More joint working, starting with the formal sharing of approaches, policies, documentation etc., between boroughs could play a strong role in encouraging more consistency in approaches and a streamlining of the research and development of new mechanisms and materials.

Recommendations

Councils should:

- Provide clear information to residents, landlords and their agents on the penalties that will be levied by the local authority for failure to comply with legal obligations and waste collection policies and service rules and obligate landlords or agents to pass this information on to their tenants (e.g. through licencing or accreditation scheme conditions).

ENACT AND ENFORCE

- Work to identify landlords and/or agents of properties for which waste management issues are a persistent problem and write to them to encourage them to use their influence (including via tenancy agreement conditions) to address tenant behaviour.
- Where there is separation between waste and enforcement departments, enact two-way training and effective joint working to ensure the effective implementation of joined up enforcement action and communication of key messages to residents, landlords and their agents.
- Consider the use of Community Protection Warnings/Notices for enforcing against appropriate offences / issues.
- Where issuing notices and warnings, include clear information or signposting on collection services to encourage recipients to engage with the services provided.
- Collaborate with enforcement colleagues in neighbouring / other boroughs through formal forums or informal networks to share approaches, processes, written policies and notices etc. with the aim of increasing consistency of approach across London.

See Appendix for further detail supporting these recommendations.

Acknowledgements



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London Environment Directors' Network

LEDNET



Content was also informed by consultation with representatives from the following organisations:

- LARAC
- London Councils
- Keep Britain Tidy
- London boroughs of Barnet, Camden, Enfield, Hackney, Haringey, Islington, Waltham Forest
- Greater London Authority
- Department for Communities and Local Government.

Guide to Improving Waste Management in the Domestic Rented Sector - Appendix



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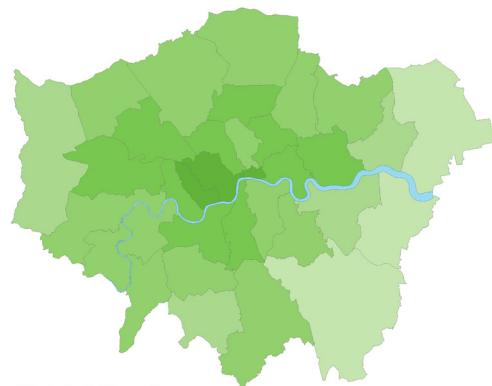
Introduction

This section provides some additional background information on the rented sector in London.

The Private Rented Sector in London

Within London, approximately 26% (860,000) of all households are in the private rented sector; this is 7% higher than the rest of England and Wales.¹ Of these, 'Homes in Multiple Occupation' (HMOs) comprise c.7% (or c.195,000 HMOs).² Importantly the number of households in this category has doubled in the past 10 years and it is predicted that this trend will continue. These households are highly mobile, with 76% of private renters having lived in their current home for less than five years and an average tenure of 4 years, compared with 11 years for the social rented sector and 17.5 years for owner-occupiers.³

Proportion of Private Rented Sector Properties by Borough

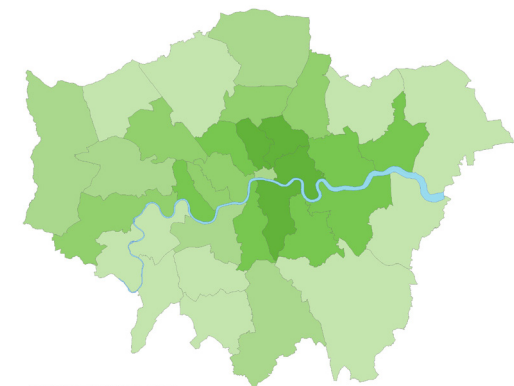


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Social Rented Sector

Approximately 24% of all households in London are in the social housing sector. This number has fallen from 35% in 1981, due in part to high levels of new supply of other tenures and in part to Right-to-Buy sales. Social housing is the most spatially concentrated of the tenures, comprising a high proportion of housing in many Inner London neighbourhoods. These households move less frequently than in the private sector with 7% moving in the last year.

Proportion of Social Rented Sector Properties by Borough



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Communications

This section provides examples of council communications on waste management issues for the rented sector.

Communications Media

When looking to communicate targeted messages to tenants, landlords and/or their agents a mix of media is recommended including:

- Website information
- Information available via telephone i.e. contact centre service
- Written information sent by post or email
- Information available at contact points such as council offices, libraries and also managing agents offices
- Social media

Communications can be targeted according to audience age or other demographics; Younger renters for example - including students - are known to respond more favourably to social media messaging than more traditional channels like printed media. The latter may be more appropriate for communicating with landlords. More information and guidance on targeting communications based on demographic segmentation is available from WRAP.⁴

Written information should be available in different languages and/or communicated in a clear graphical format to ensure that tenants and landlords without good English skills are able to understand the information provided.

Communicating with Tenants

Some council waste teams have arranged to receive notification from the council tax department of any changes to the council tax register. In the London Borough of Bexley a welcome leaflet tailored to the appropriate collection service (depending on property type) is sent within a few weeks of notification of

a change to the council tax register. The welcome leaflet (pictured) asks new residents to ensure they have the correct containers. The council reports that since the introduction of the welcome leaflet calls requesting replacement bins or boxes have increased.

Online! Services 24 hours a day - 7 days a week
www.bexley.gov.uk/online

Report a bin missed during collections | Request new waste & recycling bins | Book a bulky collection for unwanted furniture & appliances | Report a road or pavement problem | Report an abandoned vehicle | Report fly tipping | Request a permit for our waste & recycling centres | Check your Council Tax bill | Apply for a parking permit | Plus more than 100 other services

Garden waste service

Members of our garden waste service pay £33* for the first year and get:

- A large brown bin
- 25 fortnightly collections from their property

For more information and to sign up visit www.bexley.gov.uk/gws or phone 020 8303 7777 and ask for garden waste

If you would like the information in this leaflet in a different format, please call 020 8303 7777 and ask for Communications/Graphics. The reference to quote is 604128/1:16

recycle for London | LONDON BOROUGH OF BEXLEY

Listening to you, working for you | www.bexley.gov.uk

Please make sure you have these bins and boxes

- Weekly collection of paper and cardboard
- Weekly collection of glass bottles and jars
- Weekly collection of plastic packaging, cans and cartons
- Weekly collection of food waste
- Fortnightly collection of refuse
- This is a chargeable service. For details visit www.bexley.gov.uk/gws

Dear Resident,

Welcome to the London Borough of Bexley, London's top Borough for Recycling. Bexley is very proud of its recycling record but we need your help to build on it.

- Please check you have all the bins and boxes shown opposite. Please note that the garden waste bin is an optional chargeable service.
- If you would like more information about what can go into your boxes and bins please see the information in the enclosed 'Waste and Recycling Guide'.
- Households can save up to £60 a month by wasting less food. www.lovefoodhatewaste.com has lots of useful tips and ideas to help you to make the most of your food.
- The plastic packaging that can be recycled in the maroon box with metal cans and cartons include; yoghurt pots, meat and fruit trays, ready meal trays and butter/margarine tubs. No plastic film or bags should be included. Please visit www.bexley.gov.uk/recyclemore for more information.

If you would like to order bins or boxes or need any further help/ ideas about how to reduce your waste please visit www.bexley.gov.uk/recycling or phone 020 8303 7777.

Recycle for Bexley

Students

Sheffield City Council provides additional sack collections at the end of the academic year. These are issued to student properties for use once the existing containers have been filled and are collected alongside the normal residual waste collection.

Student red waste sacks

The red sack scheme is provided to help students get rid of any extra waste produced at the end of the academic year.

The service is available to students living in private sector accommodation, and helps keep Sheffield's streets clean and tidy when students leave their term time accommodation.



Bristol City Council partnered with the University of Bristol and the University of the West of England to set up the 'Bristol Big Give' Scheme. At the end of the summer 2016 academic year 72 tonnes of donated items from students were collected with a value of up to £125,000, raising funds for over a dozen local and national charities including British Heart Foundation.

Liverpool City Council has developed a comprehensive information programme for students focussed on the start of the new academic year. LSH hosts information on recycling and waste collections for student tenants on its [website](#).

It includes: posters on what can and can't be recycled, 'welcome letters' for students with frequently asked questions on waste and recycling, social media material including a video clip, online banners, presence on social media platforms, stalls at fresher's fayres and in halls of residence. In addition, the Council sends a letter to all registered student landlords requesting that an enclosed recycling information poster be displayed in the property and reminding the landlord of their responsibilities to ensure there is sufficient space and containers provided.

IMPORTANT REMEMBER TO... PUT THE BIN OUT AND RECYCLE

All non-recyclable waste should be placed in the purple bin.

Recyclable items including paper, glass, cardboard, plastic bottles, tins and cans should be put in the blue bin.

If you live in an apartment block then waste should be disposed of in the large black bins in the communal bin area.

Bins need to be put out at the right time and place, and store them away between collection days to ensure they don't get lost or stolen.

£20 is how much you will pay to replace a purple bin

Collection and waste info: www.liverpool.gov.uk/bins-and-recycling/

Some properties don't have the space for a wheelie bin (e.g. narrow terraced housing), and you will need to put your waste into **black plastic bin bags**, and recyclables into a **special box** for collection.

The official university service for private accommodation

UNIVERSITY OF LIVERPOOL LIVERPOOL JOHN MOORES UNIVERSITY Liverpool Hope University LIPA

ACCOMMODATION SEARCH STUDENTS HOUSING ADVICE MESSAGE BOARD COMMUNITY AGENT/LANDLORD CONTACT US

RECYCLING AND WASTE

Managing our waste effectively is key to looking after our city, so here are some frequently asked questions regarding the waste services Liverpool City Council provide:

WHAT BINS SHOULD I HAVE

A **BLUE** wheelie bin OR bag for recycling.

Depending on where you live you should have:

A **PURPLE** bin or a bag collection from the alleyway at the back of your house. (For household and food waste).

WHAT DO I DO IF I DON'T HAVE A BIN?

If you are entitled to, but do not have a purple wheelie bin then you need to contact your landlord, it is their responsibility to provide you with one.

If you don't have a blue recycling wheelie or bag then simply visit the Council website and fill in the online form. This can be found at www.liverpool.gov.uk or contact the call centre on 0151 233 3000.

WHEN IS MY COLLECTION DAY?

For information on your collection day simply go to the Council Website and type in your postcode.

HOUSING FAIR

Liverpool Guild, Mountford Hall
Tue 29th Nov, 11am-3pm

Tweets by @LivStudentHomes

LSH @LivStudentHomes
We run campaigns to help you stay safe in your student home. Make sure to 'Lock the Door' & 'Secure the Window' propertyreporter.co.uk/household/25-3...

LSH @LivStudentHomes
Now SECURE THE WINDOW! NOW LOCK THE DOOR!

DCLG 'How to Rent' Guide

DCLG How to Rent guide - Suggested text additions:

'When you've found a place' Section:

- Make sure you understand and comply with the local council's recycling and waste collection service, including making sure you have the right bins or sacks and that you place the right materials in each bin/sack for collection.

'Living in your rented home' - 'The tenant must...' Section:

- Keep the property clear of waste including gardens, yards, outbuildings and common areas
- Separate household recycling and waste and put it out for collection on the right day and in the correct containers as per your local council's collection service requirements

'At the end of the fixed period' - 'If you or the landlord want to end the tenancy' Section:

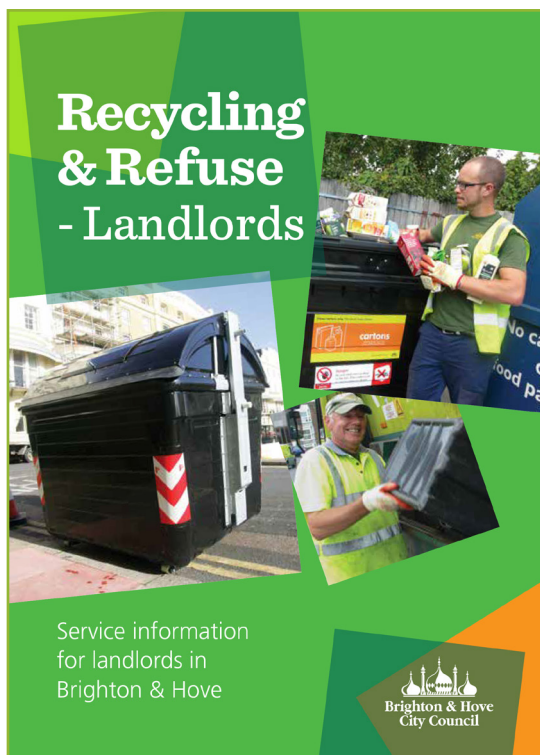
- [Clear up. Remove all your possessions] and dispose of any waste or unwanted furniture via your local council collection service, your local Household Waste and Recycling Centre or private contractor, [clean the house.]



Communicating with Landlords and Agents

Brighton & Hove City Council has developed a five page downloadable guide on collection services for landlords that includes specific responsibilities to provide space for containers, inform tenants about

the collection service and ensure that the service is used correctly. The full guide is available on the Council's [website](#).



Our goals for the recycling, refuse and street cleansing services are to:

- Reduce the amount of waste produced
- Recycle more
- Ensure our streets are clean

As a landlord you play a critical role in helping us meet these goals.

In particular we are seeking your support in:

- Providing adequate storage facilities for your tenants to store refuse and recycling
- Informing your tenants how refuse and recycling services work
- Taking action against your tenants if they do not use services properly (eg if they place refuse out for collection too early)

This leaflet explains your responsibilities as a landlord, how we can help you with meeting these responsibilities and what enforcement action we may take against you and/or your tenants if you fail to do so.

Please read this leaflet carefully and retain it for future reference.

Your responsibilities as a landlord...

Every landlord has a 'Duty of Care' regarding the conduct of tenants. In relation to waste and recycling as a landlord you must:

- Provide a suitable space for your tenants to contain their refuse and recycling until collection day
- Ensure that all your tenants know when their refuse and recycling collections are and that they put their waste out for collection on the correct day
- Ensure that your tenants know how to place refuse and recycling out for collection
- Ensure that your tenants use the correct type of refuse and recycling containers as detailed in this leaflet
- Ensure that your tenants know how to contact Cityclean for further information
- Ensure you maintain the appearance of your building – this includes making sure that the building is kept clean and free from graffiti and fly posting

If your property is made up of bedsits or is a shared house, you may need to have a licence. For details about these licences please contact the council's Private Sector Housing team on 01273 293156 or email us on psh@brighton-hove.gov.uk or visit our website www.brighton-hove.gov.uk/psh

Worcester City Council has a dedicated [webpage](#) that provides landlords with comprehensive information on the waste and recycling collection services provided by the council to residents. All materials are available in printable format so that landlords can provide information directly to tenants. The page also provides details of landlord and tenant responsibilities, what bins a property should have and the arrangements for communal properties.

Bedford Borough Council has produced a guidance document, available on its website, which explains what responsibilities landlords, their agents and tenants have in safely storing and disposing of waste from rental properties. It provides details of how to comply with the duty of care and the enforcement action the council can take for duty of care offenses.

Note: The document referred to above contains references to the circumstances dictating the classification of waste from rental properties. See the Service Provision and Policies Section of the guide for further consideration of this issue.

The screenshot shows the Worcester City Council website. The header includes the council logo and navigation links: Home, About your council, Pay it, Report it, Request it, News, Business, Contact Us, and More. A search bar is also present. The main content area is titled 'Recycling & Waste' and features a sidebar with links to Household Waste, Household Recycling, Find your Bin Collection Day, Missed Bins, Wheelie Bin Guidance for Landlords, Garden Waste Collections, Saturday Skips, Commercial Waste Collection, Street Litter & Dog Bins, Bulky Household Waste, Report Hazardous Waste, Recycling & Waste FAQs, and Let's Waste Less. The main article is titled 'Guidance for Landlords: Wheelie bins in Worcester'. It discusses an alternate week wheelie bin system introduced in October 2005, provides information on bin collection for multi-occupancy dwellings, and details the council's recycling policy. It also includes a section on 'Collections' and 'Landlord's responsibilities', stating that landlords are responsible for providing sufficient space for bins and ensuring the correct number of bins are provided for the number of occupants.



Waste from Rental Properties – Information for Landlords, Letting Agents and Tenants

This information explains what responsibilities Landlords, Letting Agents and Tenants have in safely storing and disposing of waste from rental properties.

Responsibilities

Under Section 34 of the Environmental Protection Act 1990 the concept of 'Duty of Care' was introduced. 'Duty of Care' as defined by Section 34 applies to commercial waste. Properties that are let, residentially or commercially, are considered a business and therefore any waste produced as a result of this business activity is classed as commercial waste.

In addition, the concept of 'Duty of Care' for domestic waste was introduced as part of the Waste (Household Waste) Duty of Care (England & Wales) Regulations 2005. This applied a similar responsibility to that of businesses on householders.

The Clean Neighbourhoods and Environment Act 2005 allows Local Authorities to issue Fixed Penalty Notices for some Duty of Care offences as a lesser route of enforcement and avoid prosecution through Magistrates Court.

In order for waste to be safely stored and disposed of from rented properties, it is clear that Landlords/Letting Agents need to work with their tenants to make sure that everyone's obligations are fulfilled.

Gedling Borough Council has identified the letting agencies responsible for the majority of privately rented properties in its area. The Council issues letters setting out information on the collection service and how to contact the council that these agents issue to any new tenants. The Council reports mixed results with this approach, suggesting that some agents claim that waste management problems are unrelated to the tenants they deal with, however there is more engagement with the registered social landlord organisations operating in its area.

Collaboration

This section includes examples of collaboration initiatives from local authorities referred to in the main guide document.

Working with Landlord groups or Managing Agents

Council departments such as Revenues and Benefits, Housing or Social Services can, providing the necessary systems and processes are in place (including compliance with data protection obligations), provide useful information to the waste team such as:

- New tenants, HMOs etc. to be provided with information on collection services; and
- Incidences of excess waste or other evidence of insufficient containment.

Waste teams can in turn provide other council departments with information such as:

- Informing the housing or licencing department where collection crews suspect a property is being let as an unlicensed HMO; and
- Liaising with enforcement team where action is needed on a property / in an area based on repeated contravention of collection service rules or other legal obligations.

Landlord Liaison Example

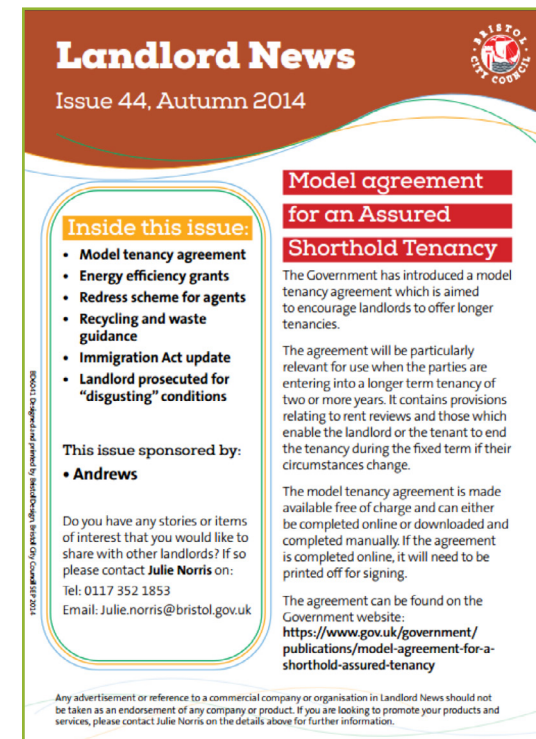
Bristol City Council has a dedicated 'Landlord Liaison Service' that works with private landlords and letting agents to provide advice, guidance, information and updates on waste collection services. The Council partners with surrounding authorities to offer a 'Private Housing Information' service that includes a number of information resources for landlords and managing agents including a Landlord Manual containing a section on waste and recycling and an annual [Landlords Expo](#) event. Members of the



EDUCATE AND ENCOURAGE

partner council waste teams attend the Expo to promote recycling and residual waste collection services to landlords and agents.

Bristol City Council also has a dedicated Landlord Liaison Officer providing an information service that includes occasional newsletters on relevant legislation changes and good practice. The newsletter has covered waste management previously, particularly relating to students when they leave at the end of summer term.



Accreditation and Training Schemes

The main guide document refers to voluntary landlord accreditation. In London the London Rental Standard (LRS) was launched under the previous Mayoral administration as a single accreditation scheme for London (delivered via several approved accreditation scheme providers). However, announcements by the new Mayor suggest that the LRS is under review and is unlikely to continue to be supported by the new administration in its current form.⁵

Some schemes include brief references to waste management obligations – see example below:

The [Cheshire Landlord Accreditation Scheme](#) includes provisions within its Property Standards requiring landlords to ensure that:

'Adequate refuse disposal and recycling facilities are provided, in a suitable location'

The scheme's Management Standards includes a requirement that:

'Tenants are advised about waste and recycling services and relevant collection dates'



Tenancy Agreements

This section provides more detail on waste references in model tenancy agreements and how waste management clauses can be used.

Example Clauses

'Model' tenancy agreement templates currently available for use by landlords and their agents include Assured Shorthold Tenancy (AST) agreement templates published by, amongst others: DCLG, The National Landlords Association (NLA), the Residential Landlords Association (RLA), the ARLA Propertymark and various

landlord advisory services and websites. Where councils have in-house or arms' length-managed housing provision then standard tenancy agreements will be in place with tenants. Some, but not all, of these template agreements contain clauses related to responsibilities for waste and recycling – see below for examples:

Source	AST Waste Management Clauses
DCLG ⁶	4.1 The Tenant must take reasonable care of the Property, any items listed in the inventory and the Common Parts (if any). This includes (but is not limited to): [.....] (c) disposing of all rubbish in an appropriate manner and at the appropriate time.
	8.2 The Tenant must remove all possessions (including any furniture) belonging to the Tenant or any Member of the Tenant's Household or visitor and all rubbish from the Property at the end of the Tenancy. If any such possessions are left at the Property after the Tenancy has ended, the Tenant will be responsible for meeting all reasonable removal and storage charges. The Landlord will remove and store the possessions for one month (other than any perishable items which will be disposed of immediately) and will take reasonable steps to notify the Tenant. If the items are not collected within one month, the Landlord may dispose of the items and the Tenant will be liable for the reasonable costs of disposal. The costs of removal, storage and disposal may be deducted from any sale proceeds.

<p>NLA</p>	<p>Tenant's Obligations</p> <p>1.36 To keep the exterior free from rubbish and place all refuse containers etc. in the allocated space for collection on the day for collection.</p> <p>1.37 To undertake disposal of refuse by placing refuse in the receptacles provided and in particular comply with any local authority recycling policy by using the correct containers provided for that purpose. In the case of any dustbins to ensure that all general rubbish that cannot be recycled is placed and kept inside a plastic bin liner before placing in such dustbin.</p>
	<p>1.46 Any goods or personal effects belonging to the Tenant or members of the Tenant's household which shall not have been removed from the property within 28 days after the expiry or sooner termination of the tenancy shall be deemed to have been abandoned. Provided the Landlord has given written notice to the Tenant, or where the Tenant cannot be found after reasonable steps have been taken to trace the Tenant, the Landlord can dispose of such goods as they think appropriate.</p>

<p>LB Hammersmith & Fulham (general tenancy agreement)</p>	<p>General Safety [.....]</p> <p>b You must not store or leave any rubbish or items that could cause a nuisance or danger in your home, on your balcony, in your garden, shared areas or in any shed or garage you have been allowed to use. If you do, we will ask you to remove any items causing an obstruction. If you do not do this within a reasonable period of time, we will remove them without further notice and you will have to pay our reasonable costs for doing this.</p> <p>c You must keep all shared areas free from obstructions. So you must not keep any items that will block someone’s access, or cause a health and safety risk, in corridors, landings, walkways, stairwells or any shared area. If you do, we will remove them and you will have to pay our reasonable costs for doing this.</p> <p>d You must be considerate when you remove household recyclable and non-recyclable waste and any items you no longer need. If we have to remove any of your household waste, personal belongings (including old furniture, mattresses, etc.) or rubbish you have left in a shared or public area, you will have to pay our costs which will be charged in line with the Council’s Recharges Policy</p>
	<p>Part H Responsibilities for gardens and shared areas</p> <p>If you have a garden that only you and your household can use, you must keep it in a tidy and safe condition and free of rubbish and pests, so it does not become a health and safety risk or nuisance. If you fail to do this, we may carry out the necessary work and you will have to pay our costs</p>

	<p>3. General nuisance and behaviour</p> <p>You and anyone who lives in or visits your home must not do the following: [.....] Burn rubbish on balconies, in private gardens or in any shared areas [.....] Dumping of household waste, personal belongings (including old furniture, mattresses, etc.) or rubbish you have left in a shared or public area</p>
	<p>Part K Parking</p> <p>[.....] d If you have a driveway or carport you must not use it to store dilapidated vehicle or other rubbish which may be a nuisance.</p>
	<p>Part M Ending your Tenancy</p> <p>[.....] 1 f When you move out you must take all your belongings and rubbish with you, leaving your home in a clean and tidy condition. If you leave rubbish and belongings in your home, we will remove them and you will have to pay our costs.</p>

Invoking Clauses

Although it is acknowledged that the presence of such clauses does not guarantee compliance, including them allows landlords and agents to legitimately address issues with tenants regarding waste management behaviour when they are aware of them, or where such issues are drawn to their attention, for example, by the council.

Consultation with organisations representing landlords and agents has confirmed that failure to comply with waste management responsibilities referenced in AST agreements on their own are unlikely to be used to instigate measures such as possession or eviction via Section 21 or Section 8 notices under the Housing Act 1988. More likely is the withholding of a part of the tenancy deposit to cover costs related to the clearance and disposal of waste left by tenants at the end of tenancies. In order for this to be a legitimate option for landlords or agents however, the AST agreement itself must include clear and unambiguous requirements in relation to the waste management responsibilities of tenants. There is also precedent in a past decision by Tenancy Deposit Scheme adjudication that a tenant can only be expected to return a property to its pre-tenancy condition; if for example a landlord requires tenants to ensure all end of tenancy waste is removed or

collected - including leaving waste bins empty - then the property and the bins provided should have been in this condition prior to the tenancy starting.⁷

Inventories

Inventories should also be used as a means of establishing that the correct recycling and residual waste containers are in place at the start of the tenancy and that these are maintained and left at the property when the tenancy ends. The inventory can also specify that such containers are to be left in the same condition that they were at the start of the tenancy, including being empty.

Waste Collection Service Provision and Policies

This section provides some examples of service provision and policies discussed in the main guide together with more detail regarding the question of the classification of waste and charging for collections.

Service Provision and Policies Covered

As noted in the main guide document some councils set out specific policies regarding the provision of containers and the collection service offered to HMOs; examples are provided below.

For landlords using HWRCs for the deposit of waste from untenanted properties, the policy needs to be clearly set out. For bulky waste there are examples of councils offering additional bulky waste collections to renters (sometimes via letting agents), often targeted at areas with high student populations to deal with additional waste generated at the end of the academic year (see Communications Section). Again these are discussed in this section.

Another issue affecting collection policies and services in place is the classification of waste generated from rental properties, including for the increasingly prevalent short-term lets via Airbnb and similar platforms.

Also discussed within this section is the issue of charging for the collection of waste from properties as means to recover additional collection costs where tenants consistently fail to comply with collection service policies (e.g. the set-out of side (excess)

waste, contamination of dry recycling containers with residual or food waste, or deposit of material targeted for recycling collections in residual waste containers).

HMOs

Guidance material should be provided for HMO Managers setting out the legal obligations on them established by The Management of Houses in Multiple Occupation (England) Regulations 2006 ('2006 Regulations'). This should include specifying the responsibility of HMO Managers to provide adequate storage facilities for waste and provision for disposal of that waste 'with regard to' the service offered by the council as per Section 9 of the 2006 regulations.

Some councils have a policy that HMOs shall receive the same containment and frequency of collection as a house under single occupancy. In so doing, the authority requires HMO managers to arrange for provision of any additional containment and collection service as may be necessary to adequately deal with the waste generated from the property –

See example below from Preston City Council.

Preston City Council has a standard letter (a copy is available on WRAP's [website](#)) for all HMO Managers setting out their obligations regarding provision of facilities for the storage and disposal of waste.

The Council's policy is to provide HMOs with 'the same service that would be supplied to a house which is occupied by an average family group.'

The letter makes is clear that:

'Any arrangements that need to be made for the extra storage of / removal of the excess waste is the responsibility of the manager of the HMO'

The letter also clarifies that HMO Managers must not delegate their obligations to their tenants (for example by 'encouraging [his] tenants to apply for extra Council bins').

The Council also warns that HMOs 'may be subjected to inspection to ensure that adequate storage has been provided to cope with the level of waste that is generated by [their] tenants'. The letter goes on to state that the 'presence of loose bags of waste next to full bins will be used as evidence that insufficient storage has been provided.'

WARNING
READ THIS CAREFULLY TO
AVOID RISK OF PROSECUTION

TO ALL MANAGERS OF HOUSES IN MULTIPLE OCCUPATION

YOUR RESPONSIBILITY RELATING TO YOUR TENANTS' WASTE.

Regulations 8 and 10 of the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 impose on the manager of a House in Multiple Occupation (HMO) obligations in relation to the storage and disposal of waste.

In order to fully understand your responsibilities it is necessary to explain the local authority's position regarding the provision of waste services to Houses in Multiple Occupation (HMOs).

HMOs are generally only subject to council tax payments as a single property irrespective of the number of tenants. In the case of HMOs rented to bonafide students, the property is exempt from Council tax.

The local authority has adopted the policy that HMOs will receive the same service that would be supplied to a house which is occupied by an average family group.

Where councils do not offer any additional containers or collections to HMOs over and above that provided to single dwellings it is recommended that they should as a minimum clearly set out any approved container specifications to facilitate collection.

For HMOs covered by mandatory or additional licencing, the licencing process itself provides a good opportunity for the council to communicate with and educate HMO managers on their obligations and to clarify the service provision in place (as per the Preston City Council example above). Licencing inspection visits also provide an opportunity to visit the property and assess the likely requirements in terms of collection containers and storage space available. This allows an assessment of likely container requirements and any storage restrictions so that advice can be provided on waste management issues to minimise the risk of problems with excess waste and recycling container contamination. Where inspections are made for new HMOs, training and the supply of written information notices can be provided to housing officers such that the cost of providing this proactive advice is minimised.

The space constraints for storing recycling and residual waste containers in HMOs can in some circumstances contribute to problems of recycling container contamination and also of targeted recycling materials being deposited in residual waste containers. This can be exacerbated by issues related

to a lack of 'ownership' and compliance with regards to the proper use of recycling and residual waste segregation in these properties with transient, 'high-churn' tenancies amongst other contributory factors. The provision of reusable bags for the storage of recycling material within individual HMO units could be considered as a means to encourage proper

segregation of recycling and residual waste in HMO properties as well as purpose-built flats. This request process would allow the council to check that the HMO is licenced and possibly instigate follow-up visits to ensure that appropriate containment is in place – *See examples below:*

A number of councils provide reusable bags to residents in purpose built flats to encourage occupiers to segregate recycling from residual waste and use communal recycling bins correctly. This sort of initiative could easily be extended to HMO properties with HMO managers or tenants being able to request a supply of re-usable bags. This request process would allow the council to check that the HMO is licenced and possibly instigate follow-up visits to ensure that appropriate containment is in place. The example opposite is from below is from Liverpool City Council and below from [Bexley Council](#).



HWRC service

The Communications Section of the main guide recommends that HWRC services should be promoted to tenants and landlords as an outlet for the deposit of waste and recycling generated from the process of moving in and out of rented properties. For tenants, use of HWRCs is no different to any other resident of the relevant local authority area. For landlords, use of HWRCs will depend on the entry policies in place. A landlord may be denied entry if he is unable to provide proof of residency within the local authority area. Where selective licensing schemes are in place, local authorities could consider allowing access to HWRCs for the deposit of household waste by non-resident landlords on production of their licence. Such a policy could be promoted as a positive benefit of being licenced.

Other grounds for denying or charging for entry includes where the waste being deposited is deemed to be construction and demolition waste. Classification of this waste will come down to local policies and the consideration of site staff. At the time of writing however, charging for the deposit of 'DIY waste' by some authorities is under some scrutiny. Again, the circumstances under which landlords are able to access HWRCs and the policies in force regarding the acceptance of waste generated from 'DIY' works should be communicated as part of any waste service information material targeted at

landlords. Further guidance and case study examples of access and charging policies for HWRCs can be found in WRAP's HWRC guide.⁹

It is recommended that any information on the disposal of waste by landlords includes a clear statement regarding their duty of care obligations. This should include the requirement, in certain circumstances where they are transporting waste themselves, to be registered as a waste carrier - under the Waste (England and Wales) Regulations 2011 (the 2011 Regulations) a landlord should register as a waste carrier if he intends to transport waste from a rental property "normally and regularly" as part of his business i.e. it is part of the landlord's usual business practice. An exception to this might be if the landlord would normally employ a waste contractor to take away waste but is let down on one occasion and takes the waste away on that one occasion. In these circumstances it would not be part of the landlord's normal business practice so he would not "normally and regularly" transport waste. If a landlord is transporting construction or demolition waste the 'normally and regularly' test will not apply. If a landlord is completing renovations on his property and decides to transport the arising waste (e.g. rubble, old sinks or baths or wood offcuts) to a disposal site he would need to register as an upper tier waste carrier.

Bulky Waste Service

As highlighted in the Communications Section of the main guide, some councils offer additional bulky waste collections for students at the end of the academic year. Where charging is in place for bulky waste collections, some authorities offer discounts for tenants in receipt of housing benefit. The same applies to some charged garden waste collection services acting as an incentive to tenants on low incomes to use these services rather than use unregistered waste contractors or dump waste in gardens, yards or public areas.

Some councils have also offered the following related services targeted at rented sector service users:

- Providing an occasional additional free scheduled collection for bulky waste to specific streets/areas where excess waste in gardens is a persistent problem. (noting that the risk with this is that it can encourage hoarding of bulky waste or abuse by traders or unregistered waste contractors until the service is offered again);
- Working with managing agents with a large portfolio in areas with persistent bulky waste issues to advertise and offer one-off free collections; and

- Targeted advertising of furniture re-use schemes provided by the council or council-contracted third parties to landlords and agents for providing to their tenants.

Classification of Waste and Charging for Collections

Whether waste is classified as household or commercial waste will determine the council's duties in terms of collection, as well as the ability of the council to charge for that collection. Councils should ensure that tenants, their landlords and agents are provided with clear unambiguous information regarding the classification of waste produced in the different circumstances relevant to rented properties and what this classification means in terms of responsibilities and charges for collection. The classification of waste under several scenarios relevant to the rented sector is discussed below:

- **Waste generated by tenants disposed of via household collection service (including bulky waste service) or HWRC** - classified as domestic waste (Environmental Protection Act 1990 ('1990 Act') (S75(5)) (except where it falls under the definition of construction or demolition waste).
- **Waste from an untenanted property set out by a landlord** - no specific provision under the legislation. In this circumstance a case could be made for treating this as commercial waste for which collection is chargeable on the basis that the property is in these circumstances not being used "wholly for the purposes of living accommodation", but is instead "premises used wholly or mainly for the purposes of a trade or business" i.e. the landlord's business of letting the property. However, the fact that the property remains a domestic property for council tax purposes may make it difficult to argue that waste left by a tenant at the end of a tenancy stops being household waste and becomes commercial waste at the point the tenant leaves. The legislation as drafted does not address these specific circumstances. In respect of landlords using HWRCs it may be possible to refuse to accept this waste if (a) the landlord cannot produce proof of residency in the area or (b) it is not the landlord's waste.
- **Waste generated from short-term rentals such as Airbnb** - Can be classified as commercial waste in certain circumstances: Point 11 in the table included in Schedule 1(2) of the Controlled Waste (England and Wales) Regulations 2012

(2012 Regulations) states that waste created in a "domestic property used in the course of a business for the provision of self-catering accommodation" is to be classified as commercial waste. This suggests that a waste collection authority can determine that waste generated from an Airbnb property that is let wholly as a short term let is commercial waste. Where only a part of a domestic property is being let then point 19 in the Schedule 1 Table of the 2012 Regulations - that waste generated from 'any part of composite hereditament used for the purposes of a trade or business' be classified as commercial waste - would apply. Of course in the latter scenario where only part of a domestic property is being let, from a practical perspective it would be difficult to apply a commercial waste classification to only part of the waste set out from the property.

- Where a whole property is let via Airbnb, it is for the waste collection authority to notify the owner or person responsible for the letting that the waste generated is classified as commercial waste under the terms of the 1990 Act and 2012 Regulations and that its collection is chargeable. In making such a determination authorities are advised to take note of any determinations as to the status of the property made by the Planning Authority and the Valuation Office Agency pursuant to the Town and Country Planning (Use Classes) Order 1987 and the Local Government Act 1992 respectively. Although these determinations are not made pursuant to the 1990 Act and are not (with one exception noted below) binding on a waste collection authority when considering whether a property constitutes 'domestic premises' from the perspective of the 1990 Act, it is advisable that the authority takes note of these – by giving weight to a determination of such a body (and very strong weight if the decision was reached or confirmed by a judicial or quasi-judicial determination) - to minimise the prospects of a challenge. One way of doing so is for the authority to take note of any change of use planning permission for a residential property to be used as temporary sleeping accommodation where the property is being let for more than 90 nights in any year under the Section 44 exception with the Deregulation Act 2015. This could be achieved through establishing a trigger process between the

planning service and the waste service whereby these change of use permissions are notified to the waste service with the latter then notifying the owner of the resultant change of classification of the waste generated from the property.

Note: The exceptional situation in which the decision of another body would be binding for the purposes of the CWR concerns some small businesses and former 'Schedule 2' properties that qualify for an exemption from liability to pay for the disposal of waste under sub-paragraphs 4(5)-4(7) of Schedule 1 to the 2012 Regulations. Further details of this are set out in Paras 7.5 and 11 of the Explanatory Memorandum to the 2012 regulations. In these cases, the council would be bound by the determination of its status for rating purposes. The exception relates to disposal costs, not collections costs.

- Alternatively, where waste management or other anti-social behaviour issues (e.g. excessive noise or nuisance affecting neighbours) are notified to the council and investigations verify that the property is being let in whole via Airbnb, the property details can be checked against the relevant planning permissions and where a change of use for temporary sleeping accommodation has been granted or is subsequently granted the waste collection authority can determine that waste generated

will be classified as commercial waste with its collection subject to a charge.

- Airbnb has introduced (with effect from 1st January 2017) an automatic block on the letting of any whole property in Greater London for more than 90 nights a year to reflect the planning restrictions in place in London (which require any short-term rentals of over 90 nights to apply for planning permission as change of use).¹¹ The sponsors of this guide will consider making representations to Airbnb to expand its advice related to the planning status of entire homes let via the site to include information on the potential implication to the classification of waste produced from such properties as commercial waste and associated obligations.

Charging for Waste set out in Contravention of a S.46 Notice

Where a tenant sets out waste in contravention of a notice under s.46(1A) of the 1990 Act - specifying the requirements for household waste to be placed in separate receptacles or compartments of receptacles - the council is not obliged to collect this waste (s.46(11)). Schedule 1, Paragraph 4 of the 2012 Regulations allows for the authority to levy a charge for the collection (but not the disposal) of this waste.

These provisions therefore give a waste collection authority a discretionary legal power to charge for collection of household waste set out in contravention of a s.46 notice. Such discretion must be exercised reasonably and not for any extraneous purpose; for example, a charge should not be levied as a means of penalty or enforcement - the legislated route for enforcement being via Sections 46A-D of the 1990 Act. If challenged, the authority would need to be able to demonstrate that in imposing a charge in these circumstances, the purpose was not simply revenue generation or to levy a charge for the collection of ordinary household waste. It would therefore have to have been reasonable to impose a charge in the circumstances and the charge would have to have been at a reasonable level.

More detail on this is set out below:

- Section 46(1) of the 1990 Act allows a waste collection authority to require householders to use a particular type of container and also to serve a notice specifying the requirements for their use. Under s.45A of the 1990 Act an authority can also make arrangements for the separate collection of at least two type of recyclable waste. Taken together, these provisions enable an authority to require households to segregate different types of waste into separate receptacles, or into separate compartments of

a receptacle. In particular, householders can be required to separate waste which is to be recycled from residual waste. In order to impose such requirements, an authority must serve a notice on the occupier of the household requiring, inter alia:

“the substances or articles which may or may not be put into the receptacles or compartments of receptacles of any description and the precautions to be taken where particular substances or articles are put into them” (s. 46(4)(d)).

- Under s.46(11) a waste collection authority is not obliged to collect household waste that is placed for collection in contravention of a s.46 requirement. Where a householder has placed waste for collection which contravenes specified requirements, the authority has two options for enforcement:
 - the collectors can refuse to collect bins which contravene the specified requirements; and/or
 - the authority can initiate the penalty charge procedures, beginning with the issue of a written warning and proceeding in the event of a repeat or continuing contravention to the imposition of a civil penalty charge.

- The power to charge for the collection of waste under the Controlled Waste (England and Wales) Regulations 2012 is separate and distinct from the penalty charge system under Sections 46A to 46D of the Environmental Protection Act 1990. The two systems operate in parallel and for different purposes. Where a waste collection authority incurs additional cost as a result of collecting waste which contravenes specified requirements (such as the requirement to separate and present waste for collection as specified in a s. 46 notice), it is entirely proper for the authority to recover that cost by making an appropriate charge pursuant to the Regulations. A charge can be made (in line with s. 45(3) at the request of the person who controls the waste) regardless of whether or not the enforcement powers are used as well. Of course other options exist for the removal of this waste at the discretion of the person controlling the waste including removal of any contaminants and collection via the next scheduled round, use of an HWRC or collection by a private registered waste carrier.
- Examples of additional costs incurred may be related to a separate additional collection being made necessary (for example where contamination of dry recycling with residual or food waste requires an additional (residual)

collection to be arranged); this may include by reference to the cumulative effect of non-compliance, rather than a single case in isolation.

- Waste of a type specified by the waste collection authority as dry recycling that is set out within a residual receptacle is unlikely to incur additional collection cost (since it can be collected as residual waste) and as such it would be difficult for the authority to levy a charge for the collection of this waste.
- In cases where no additional cost was incurred, it would not be appropriate for a waste collection authority to charge for household waste left in contravention of specified requirements. Imposing a charge for collection in those circumstances would amount to a penalty. If the sole purpose of the charge is simply to punish or deter the householder, the enforcement procedures described above should be used. The power to charge in these circumstances is limited to the cost of collection, not the cost of disposal.
- In any event, an authority planning to charge a resident for the collection of waste set out in contravention of a s.46 notice should have a clear policy on how additional collection costs have been identified such that it can defend any claim that such a charge is unreasonable.

Note: Councils considering charging for collections in the circumstances outlined within this section are advised to ensure that they are clear as to the basis on which charges for collections are to be made and to seek their own legal advice where appropriate.

Licencing

This section supplements the main guide document on how conditions related to waste management can be included within licencing schemes to strengthen the landlord's role in ensuring that they and their tenants comply with their waste management responsibilities.

Introduction

The introduction of specific conditions on licencees under additional and selective licencing schemes has the potential to clarify and emphasise key waste management responsibilities for landlords. Part 2 of the Housing Act 2004 ('2004 Act') allows a local housing authority to apply to the Secretary of State for approval to introduce 'additional licencing' schemes which can extend the provisions of mandatory licencing - for HMOs comprising self-contained accommodation of three or more storeys occupied by five or more people, who do not form a single household - to include additional HMO housing within a defined local authority area. In October 2016 the Government published a consultation document, Houses in Multiple Occupation and residential property licencing reforms on its proposals to change the Houses in Multiple Occupation (HMO) licencing regime.¹² The proposals include:

- Extending mandatory licencing of houses in multiple occupation to include licencing to all houses (regardless of the number of floors) with 5 or more people from 2 or more households;
- Extending mandatory licencing to flats above and below business premises; and
- Set a minimum room size in line with the existing overcrowding standard (Housing Act 1985).

In addition the Government is also proposing to make criminal record checks for proposed HMO Managers mandatory for licencing applications; and introduce a mandatory licencing condition that the licence holder provides:

'adequate receptacles for the storage and disposal of normal household waste emanated from the property. The facilities must be suitable for the number of persons or households permitted to occupy under the licence and will need to be stored in a suitable accessible place within the curtilage of the property. The licence holder will also have to comply with all directions given by the local waste authority in relation to the storage and disposal of waste.'

At the time of writing the above proposals are still at consultation stage. It is not clear from the consultation document whether these proposals would apply to additional licencing schemes (where in place), although the proposals suggest that some property types that are currently covered by some additional licencing schemes would be brought under the provisions of a revised mandatory scheme.

Part 2 of the 2004 Act also makes provision for selective licencing to be used as a discretionary tool for local housing authorities to improve the management of privately rented properties which

accommodate single households. Under section 80 of the 2004 Act, local housing authorities have the power to designate either the whole or part of their district area as subject to selective licensing, subject to prerequisites regarding consultation with persons likely to be affected, and that the area satisfies one or more of a number of conditions set out in sections 80(3) and (6) of the 2004 Act.

The conditions for selective licensing has been extended with the introduction of the Selective Licensing of Housing (Additional Conditions) (England) Order (2015/977) that permits licensing where the area contains a high proportion of properties in the private rented sector, and one or more specified further conditions also apply related to housing condition, migration, deprivation and crime levels.

The Secretary of State has the power to give general approvals for selective licensing designations, which effectively means that any licensing scheme that is compliant with the statutory tests set out above would come into force, subject only to compliance with any further conditions specified in the approval.¹³

In April 2015 an amended approval was issued and consent of the Secretary of State is now required for implementation of any selective licensing which covers more than 20% of the private rented sector

homes in a district area.¹⁴ Ministerial guidance has been issued to explain the implementation of these provisions in the form of the *Selective Licensing in the Private Rented Sector: A Guide for Local Authorities*.¹⁵

The reforms means it is likely that:

1. Any introduction of licensing above the 20/20 threshold will need to demonstrate a clear correlation between housing related problems in that area and the mismanagement of private rented sector properties;
2. The new conditions appear to be aimed at licensing on a more localised basis with the general approval likely to encourage the use of licensing powers in a more targeted manner;
3. The new conditions may impact on an authority's overall licensing scheme – now an authority may examine links to a much wider range of housing related problems (previously a link had to be demonstrated to either anti-social behaviour or low housing demand); and as such an authority could implement different designations across the borough in order to tackle different housing related issues in different parts (this is subject to the caveat that any designations which cumulatively cover more than 20% of the area, will require approval);

4. An authority is still required to comply with section 81 of the 2004 Act and the requirement to coordinate licensing schemes with their overall housing strategy and to consider whether other options might have achieved the same result; and
5. Lastly, authorities will need to be mindful that designating only part of an area could result in problem landlords simply moving to an unlicensed section of the borough.¹⁶

Licensing Conditions and Waste Management

At the time of writing there are seven London Boroughs with selective licencing schemes in place: Harrow, Brent, Waltham Forest, Haringey, Newham, Barking & Dagenham, Southwark and Croydon.

Outside London, of the twenty-one selective licencing schemes reviewed (where a copy of conditions was publically available), thirteen schemes contain specific references to waste management within the licencing conditions – see below for example from Doncaster Council. Of the seven London schemes, six have one or more waste management-related conditions.

Licencing Conditions and Waste Management

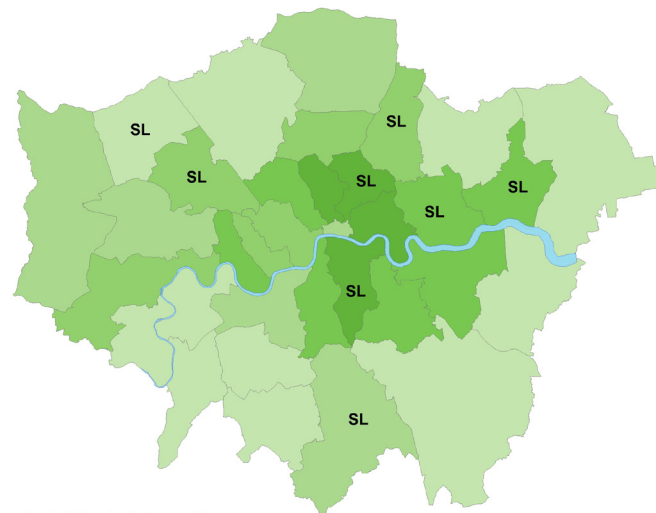
As far as waste management issues are concerned, licencing schemes (additional and selective) have three main benefits:

1. The identification of landlords renting properties within the area covered by any licencing scheme (providing they apply for a licence) such that there is a means of communicating with them regarding waste management issues related to their properties;
2. A means by which officers can identify new rented properties and where appropriate carry out an inspection that can include an assessment of waste management arrangements (e.g. containment provision, storage space for containment, information provided for tenants etc); and
3. The opportunity to set out specific conditions within the licencing scheme related to waste management practices (their own and their tenants).

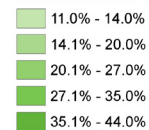
The [Communications Section](#) considers what sort of messaging can be sent to landlords for whom contact details are known through a licencing scheme. This section considers how licencing conditions could be used to encourage landlords to consider good waste

management practice and encourage the same with their tenants. Conditions can be used for both selective licencing and additional licencing schemes introduced within authority areas under Part 2 of the 2004 for HMOs – See the [Legislative Provisions Section](#) for more details.

Selective Licencing Schemes in London



Social Rented Properties



SL = Selective licencing scheme in place

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There is little evidence of much proactive work specifically targeting waste management issues being undertaken with licence holders where additional or selective licencing schemes are in place. Where licencing conditions contain references to waste management there is considerable variation in the level of detail in these conditions, reflecting the fact that there are no national standards. In the main such conditions simply require landlords to ensure that there is sufficient space and receptacles available within and outside the property to store waste for collection and/or landlords notify tenants of the waste collection service arrangements provided by the council – See *Doncaster Council example below*.

Several councils consulted commented that the priority thus far has been on addressing on high risk housing conditions that are prejudicial to the health of tenants, rather than waste management, although it was recognised that there was often a correlation between the former and latter issues.

Licencing conditions related to waste management

Doncaster Metropolitan Borough Council has the most comprehensive conditions related to waste management of the selective licencing schemes reviewed. These require licence holders to:

- Provide information to tenants regarding 'proper refuse management',
- Provide adequate bins at the start of the tenancy,
- Ensure that land is kept free of refuse and providing adequate garden 'boundaries' to act as a deterrent to fly-tipping,
- Ensure that tenants have access through alley-gates where bins are to be placed in alley-ways for collection.

The Council also requires licence holders to issue a leaflet outlining their waste management responsibilities to tenants requiring that they sign the leaflet and a copy is displayed at the property (see opposite)



RESPONSIBILITY TO DISPOSE OF YOUR WASTE CORRECTLY

This leaflet must be issued to all existing tenants and to any new tenant upon the commencement of the tenancy to make them aware of their responsibility and in order for the landlord to comply with the Licensing Condition 16 (ii), Hexthorpe Selective Licencing Scheme. A copy of the signed leaflet must be kept by the licence holder with a second copy retained and displayed at the property.

ADDRESS: _____

NAME OF TENANT: _____

Your collection day is:

- a. **Week 1** - _____ -black wheeled bin, green boxes and blue bags
 b. **Week 2** - _____ -green wheeled bin, green boxes and blue bags

AS THE TENANT OF THE ABOVE PROPERTY:-

1. You are responsible for presenting all household waste from your premises in the correct containers:
 - a. **Green wheeled bin**- garden/green waste,
 - b. **Green box**- cans, tins, glass bottles and jars, foil and aluminium trays, aerosols, textiles, printer cartridges, mobile phones, cardboard and plastic bottles;
 - c. **Blue bag**- paper- magazines, catalogues, directories and junk mail (plastic windows removed);
 - d. **Black bin**- non-recyclable waste.

'Light-touch Licencing' Alternative

One of the criticisms of the existing selective licencing scheme from landlord representatives is that it fails to address the worst 'rogue landlords' since these would be least likely to apply for a licence in the first place and that therefore due to the cost of the licence the scheme penalises decent landlords. From a waste management perspective a 'lighter tough' licence that, as a minimum, allows for a council to have a register of the rented properties and landlords in the licenced area would at least provide a means by which the waste service could communicate directly with landlords as well as tenants to address issues.

In 2008 a Government-commissioned independent review of the private rented sector – (the 'Rugg' Review) outlined a key recommendation based on the concept of 'light-touch licensing':¹⁷

'Light-touch licensing and effective redress can encourage local authorities to target the very worst landlords, by ensuring that effective sanctions are in place. A permit or licence would be required by all landlords, but would be available without any hurdle criteria on payment of a small fee. Nationally administered, the licence would be revoked if the landlord did not meet statutory requirements on housing management and quality. The licence fee income would finance the establishment of an augmented system of housing redress.'

Such a scheme would in theory allow local authorities to focus on the 'worst first' in carrying out their enforcement activity. Landlords would be required to register and receive a licence number which would then be a pre-requisite for any kind of activity in the private rental market.

While there does not appear to be an absolute bar on implementing a simple 'no hurdle' licensing system for all landlords under current legislation, there would be challenges:

- A proposal for a selective licensing scheme must show that the area is suffering problems that are attributable to one of the criteria for making the designation and what it is expected that the designation will achieve.
- It may be difficult to justify a scheme that applies to a whole authority, especially as the impact of a no hurdle scheme may be difficult to quantify, even in combination with other measures.
- Secretary of State approval would be needed if the scheme were to apply to more than 20% of the authority's rented sector homes.

However, the recommendations of the Rugg Review have not been implemented and have effectively been abandoned by successive governments. A nationally-administered scheme has recently been implemented in Wales. The mandatory licencing scheme 'Rent Smart' has however suffered from a low initial take-up with only 65% of the estimated 200,000 rented properties in Wales having registered by the launch date of 23rd November.¹⁸

In England the current review proposing to extend licensing in respect of HMOs and the introduction of legislation allowing for additional conditions for selective licensing designations to be considered, appears to indicate that the current licensing regime is unlikely to be departed from or significantly amended in the near future.

Enforcement

This section includes examples of interventions that councils have used where tenants, landlords or their agents fail to comply with their waste management obligations and/or fail to engage appropriately with the collection service provided. It also includes some further detail on the points covered in the main guide related to enforcement issues.

Collaboration

Where enforcement teams are separate to the waste and recycling department within councils, extra work and attention is needed to ensure that the two departments work effectively together. This should include:

- Ensuring the two-way flow of information to identify properties, occupiers or owners that could be subject to enforcement action (e.g. via collection crews);
- or instances where enforcement action has been triggered for reasons unrelated to waste issues, but for which the occupier or owner is also observed to be mismanaging waste or recycling (See the [Collaboration](#) Section for more); and
- Joint two-way training between departments on enforcement processes and policies and waste collection polices, services and service rules. This can extend to the training of collection crews to enable them to identify issues and report these back to waste and/or enforcement teams (where the requisite in-cab technology is in place) and potentially act as an initial point of engagement to notify occupiers of the enforcement risk of not complying with service rules.

ENACT AND ENFORCE

Community Protection Notices

One common issue reported by councils during the research and consultation for the guide and this appendix has been the impact of section 58 of the Deregulation Act 2015 (the 2015 Act) on the decriminalisation of offences relating to household waste receptacles (previously available pursuant to Section 46 of the Environmental Protection Act (the '1990 Act')) and the amendment to the enforcement process pursuant to Section 46 including the issuing of Fixed Penalty Notices (FPNs). Under the terms of Section 58 of the 2015 Act and the amendment to the enforcement process an offence is now only committed if:

- a. there has been a failure to comply with requirements made by a local authority; and
- b. the failure has caused, or is or was likely to cause, a nuisance; or has been, or is or was likely to be, detrimental to any amenities of the locality.

In addition, it is no longer possible to prosecute individuals and a FPN may not be issued in respect of a first offence. The process now involves the issuing of a written warning, a notice of Intent and a final notice. An appeal procedure is also available. The previous level of FPN (£100) has been reduced to a scale of between £60 and £80.

The lengthening of the FPN process under the amended s.46 of the 1990 Act means that councils are now less inclined to use this enforcement option. Anecdotal evidence gathered during the research for the main guide and this appendix appears to confirm that this is the case in practice.

One alternative route for the issuing of penalties (or related warnings) for some waste offenses relevant to the rental sector is the use of Community Protection Notices (CPNs) under the Anti-Social Behaviour Crime and Policing Act 2012 (the 2012 ASB Act) – section 43(1). These may be issued on reasonable grounds where:

- a. the conduct of the individual or body is having a detrimental effect, of a persistent or continuing nature, on the quality of life of those in the locality, and
- b. the conduct is unreasonable.

Councils in London are increasingly using Community Protection Warnings (CPWs) or CPNs in place of FPNs for issues such as waste accumulating in gardens. Councils using this approach for waste in gardens have reported anecdotally that this is proving to be an effective approach, primarily as a deterrent, with often a warning notice being sufficient to ensure clearance of waste. Robust figures on the use of these warnings or notices specifically for waste offenses are not easily available. However Blackpool Council recently announced that of the 700 CPWs issued in the last two years, 76% of these led to the anti-social behaviour stopping without recourse to CPNs.¹⁹ One London borough that has used this approach is Newham Council. Between October 2014 and October 2015 Newham Council issued over 8,700 CPWs and over 13,000 CPNs for waste in front gardens. FPNs are used by the Council where there is failure to comply with the CPN. 30 FPNs were issued over the same period – *See Newham example below.*

Community Protection Notices in Newham

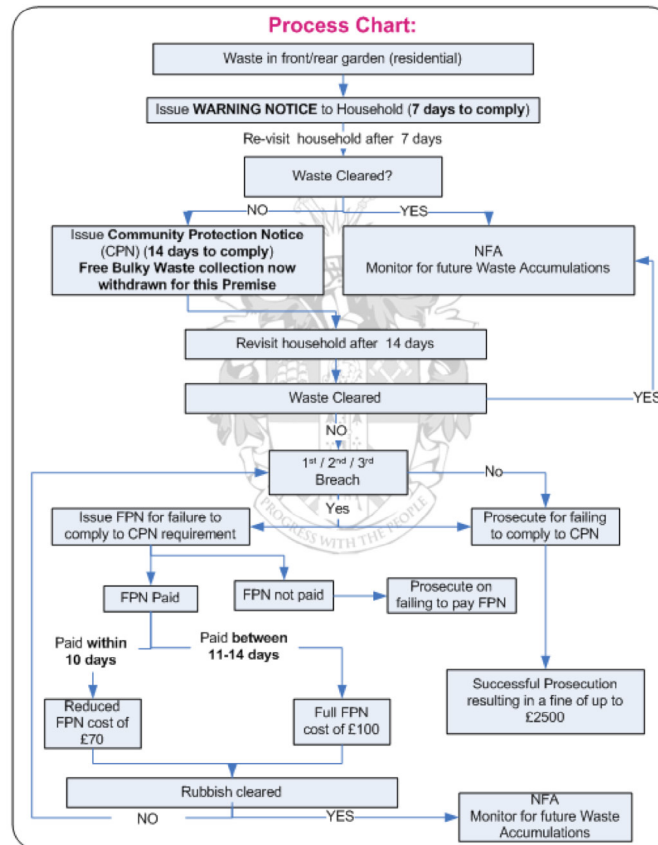
Between October 2014 and October 2015 Newham Council issued 8,700 CPWs and 1,300 CPNs for waste in front gardens. FPNs are used where there is failure to comply with the CPN. 30 FPNs were issued over the same period. Between the same months in 2015 and 2016 the figures were 6021 CPWs, 773 CPNs and 21 FPNs.

The CPW/N requires the recipient to:

- Clear the land of litter, waste and any other refuse so that it is predominantly free of litter and refuse within (seven days in warning / 14 days in CPN).
- Ensure land is kept clear by placing litter or other waste on the land within suitable receptacles.
- Carry out a daily inspection of land and any litter or refuse removed to prevent the land becoming defaced again.

Bulk pre-printed draft warnings and notices are used by enforcement officers whilst out on patrol. Officers therefore only have to complete the recipient's name and address details in order to issue.

Section 43 Anti Social Behaviour, Crime and Policing Act 2014
Community Protection Notice – Waste in Front Garden purposes
 Require any land open to the air to be cleared, and kept clear, of litter and refuse if it is considered to be detrimental to the amenity of the locality.



Newham's enforcement officers visit every road in each ward at least once per week and these inspections are supplemented by notifications from collection crews via in-cab devices.

Further detail on Newham's approach to CPNs for waste in gardens can be found on the London Councils [website](#). Information for residents on waste in gardens is also specifically addressed on the Newham Council's [website](#).

Haringey Council, which has also used CPNs to act on waste in gardens, includes information on its bulky waste collection service within its CPN warning notice to encourage use of this service where appropriate for clearing waste.

Other Notices

Councils consulted in the development of this guidance reported using the following notices for other instances of waste mismanagement:

- Section 59 Notice (1990 Act) – illegal deposits to land – for the clearance of excess waste;
- Abatement Notice under Sections 79 and 80 (1990 Act) – statutory nuisances from accumulations of waste;
- FPNs under Section 33 (1990 Act) - small fly-tips on public land; and
- FPNs under S34A (1990 Act) - duty of care offences.

Islington Council has issued S34 notices to Airbnb ‘hosts’ and similar short-term letting owners for duty of care offenses related to the depositing of waste from Airbnb properties on the street. Enforcement action against Airbnb owners for these and similar offenses is a growing area of interest for London boroughs given the growth in the numbers of these properties. See the [Service Provision and Policies Section](#) for more information regarding the question of classification of waste from Airbnb properties.

Although decriminalisation of the penalties for contravention of S46 of the 1990 Act has had the effect (as reported anecdotally) of reducing the use of FPNs for waste receptacle offences, including persistent contamination of recycling containers, the process can still be used as a deterrent measure through the issuing of written warnings. Waste not collected pursuant to S46(11) of the 1990 Act, where that waste has been set out in contravention of a S46 notice, could (where passing the relevant tests regarding behaviour constituting anti-social behaviour) be said to be grounds for the issuing of a CPW or CPN. Alternatively enforcement action pursuant to S33 prohibition on unauthorised deposit of waste could be used. There are however no examples of this approach to combining S46 (1990 Act) and CPW/Ns or S33 to enforce against waste receptacle offenses that were identified during research for this guidance.

HMOs

Enforcement on waste management issues occurring in HMOs is relatively clear cut, at least where a case can be made that these relate to a failure on the part of the HMO manager to comply with his obligations to:

- Ensure that sufficient waste receptacles are provided; and
- to make arrangements for the disposal of refuse and litter.

Enforcement where these obligations are not met can be undertaken via the HMO Regulations and Housing Act 2004. The lack of prosecutions reported by councils consulted for the main guide and this appendix could suggest however, that the level of the prospective fine can be said to act as a deterrent in itself – *See Preston City Council example below.*

HMO Managers and non-compliance warning

As highlighted in the Service Provision and Policies section of the main guide document, Preston City Council has a standard letter (a copy is available on WRAP's website) for all HMO Managers setting out their obligations regarding provision of facilities for the storage and disposal of waste.

In addition to detailing the responsibilities of HMO managers with regards to waste storage and disposal the letter contains a section entitled 'Legal Responsibilities' warning that 'legal action will be taken against any manager who fails to comply with any of the regulations'.

The letter concludes with a reminder of the relevant obligations under the regulations and confirmation that failure to comply constitutes an offence and is subject to a maximum fine of £5,000.

Preston City Council's 'Enforcement Protocol' for addressing waste management issues in HMOs includes a 3-stage process:

Level 1 – notification of HMO Manager responsibilities

Level 2 – 'Yellow Card Warning' giving 7 days to remedy

Level 3 – 'Red Card Final Warning' giving 48 hours to remedy otherwise legal action to be taken.

MANAGER'S RESPONSIBILITIES

Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007

Managers of rented properties which are classed as Houses in Multiple Occupation are required by law to comply with the following regulations.

Reg. 4	The manager must ensure that his name, address and any telephone contact number to be clearly displayed in a prominent position.
Reg. 8(4)	a) The manager must ensure that outbuildings, yards and forecourts are maintained in good repair, clean condition and good order. Any garden must be maintained in a safe and tidy condition. b) The manager must ensure that any garden belonging to the HMO is kept in a safe and tidy condition.
Reg. 10(a)	The manager must ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal.
Reg. 10(b)	The manager must make further arrangements for the disposal of refuse and litter from the HMO as may be necessary, having regard to any service for such disposal provided by the local authority.

FAILURE TO COMPLY WITH ANY OF THE ABOVE REGULATIONS CONSTITUTES AN OFFENCE UNDER SECTION 234 OF THE HOUSING ACT 2004.

MAXIMUM FINE £5000

Engaging with Landlords and Agents

Where selective licencing or voluntary accreditation schemes are in place, councils can use this information to identify the landlord and/or managing agent of a property for which waste management offences have been recorded. Alternatively where enforcement action is being taken against the occupier of the property and the occupier divulges information regarding the owner or agent of the property then this can be used to engage with the latter regarding the issues identified. Alternatively section 16 of the Local Government (Miscellaneous Provisions) Act could be used to obtain such information.

Once identified, authorities can engage proactively with individual landlords or agents responsible for a property where there are persistent waste management issues related to tenants behaviour. By way of an example, a standard letter could be issued that includes:

- Details of the nature of the issue(s) at their property and any enforcement action taken against the tenants thus far;

- A request to the landlord/agent to write to the tenant(s) to remind them of their duty of care responsibilities and including (where relevant) a reference to any relevant clauses within the tenancy agreement (see [Tenancy Agreements Section](#));
- Details of (or where/how to access further information on) collection services; and
- A reminder of the sanctions available to the council and the landlord should the tenant continue to fail to comply with his obligations.

In this way, additional pressure can be brought to bear on tenants found to be committing waste management offences and landlords can be encouraged to play their part in influencing tenant behaviour and taking action against poor waste management practices.

Legislative Provisions

This section identifies the main Acts of Parliament and related provisions in England that govern waste management duties and obligations and set out the legal framework within which sanctions can be applied. The aim in summarising these various statutory provisions is to highlight the key legislation that councils and the other stakeholders should be aware of when formulating approaches to address the issues identified within the main guide and this appendix.

Waste management for the rented sector in England is covered by a range of environmental and housing legislation, regulations and Government guidance. Below is a summary of the main acts and other

instruments concerned (in alphabetical order), together with the relevant sanctions available to local authorities when dealing with waste management and recycling issues related to the scope of this toolkit.

Statutory Provision	Key Aspects
<p>Anti-Social Behaviour Crime and Policing Act 2012 - S 43(1)</p>	<p>A Community Protection Notice (CPN) may be served in respect of conduct having a detrimental effect of a persistent or continuing nature on the quality of life in the locality. The conduct must be unreasonable in nature. A warning letter must be issued prior to the notice and a 21 day appeal period must be observed. CPNs may be utilised to deal with public nuisance-type activities such as litter or rubbish on private land open to the air²⁰ e.g. waste deposited in gardens. CPN's can be issued in respect of conduct on or affecting a premises to a person who owns or controls, operates or maintains the premises, providing that the person can reasonably be expected to control or affect the conduct at issue. CPNs can be posted on the premises in place of being served on an individual where the authorised person has made reasonable steps to identify the name or proper address of the occupier but without success. In this circumstance the CPN is treated as having been issued to the occupier or owner of the property at the time the notice is posted.</p> <p>Failure to comply with a CPN constitutes an offence leading on summary conviction to a fine (not exceeding level 4 on the standard scale). Alternatively a Fixed Penalty Notice (FPN) can be issued.</p>

<p>Clean Neighbourhood and Environment Act 2005 – S 20 (amending the Environment Protection Act 1990)</p>	<p>A litter clearing notice may be issued where a person throws down, drops or otherwise deposits any litter in any place and leaves it. Before serving a notice the litter authority must be satisfied that the land is defaced by litter or refuse so as to be detrimental to the amenity of the locality. A notice can be served on all types of land, including private, and must be served on the occupier or owner. A 21 day appeal period applies.</p>
<p>Control of Pollution Act 1974 – S 22(3)</p>	<p>Provides a power for councils, with consent, to clean and charge costs to the owner/occupier in respect of private but publically accessible land in the open air which requires cleaning. The cleaning of the land may only take place with 'the consent of any person who has an interest in or is the occupier of the relevant land'.</p>
<p>Controlled Waste (England and Wales) Regulations 2012</p>	<p>The classification of waste (household, industrial and commercial) is set out in these Regulations. They further specify (under section 45 (3) of the Environmental Protection Act 1990) the types of household waste for which a collection charge may be made.</p>
<p>Deregulation Act 2015 - S 44-45</p>	<p>This section of the Act extends an exclusion to S25 of the Greater London Council (General Powers) Act 1973 such that permission for a change of use for a property being let as temporary sleeping accommodation is not required where the number of nights it is used as such in a calendar year does not exceed ninety.</p>
<p>Deregulation Act 2015 - S 58</p>	<p>This Act decriminalised offences relating to household waste receptacles (previously available pursuant to S46 of the Environmental Protection Act 1990 – see below for amended provision).</p>

<p>Environmental Protection Act 1990 – S 33ZA (as inserted by The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016)</p>	<p>Where a waste deposit offence (commonly known as fly tipping) is believed to have been committed under section 33 (deposit of controlled or extractive waste in or on any land without a permit, or in breach of a permit) a fixed penalty notice may be issued. This notice offers a person the opportunity to discharge their liability to conviction for the offence by the payment of a fixed penalty. The fixed penalty payable in pursuance of such a notice is an amount not less than £150 and not more than £400. No proceedings may be instituted for the offence before the end of the period of 14 days following the date of the notice and a person may not be convicted if the fixed penalty is paid before the end of that period. If £120 is paid before the end of 10 days following the notice, it may be treated as having been paid.</p>
<p>Environmental Protection Act 1990 – S 34</p>	<p>Householders have a limited duty of care to check that those who take away and dispose of their domestic waste are authorised to do so. They are not required to supply documentation (such as a waste transfer note). A fine may be imposed if they fail to take ‘reasonable measures’ to ensure that the waste is handled by an authorised waste carrier. It is for the courts to determine whether or not ‘reasonable measures’ were taken in a particular case.</p> <p>Defra has produced a Code of Practice that sets out guidance for how duty of care obligations should be met.²¹</p>

<p>Environmental Protection Act 1990 – S 46</p>	<p>This provision regulates waste receptacle offences and permits authorities to issue fixed penalty notices (FPNs) to tackle household failure to comply with regulations regarding the use of certain waste receptacles. The Deregulation Act 2015 (S 58) altered the enforcement process for offences relating to household waste. An offence is now only committed if: (a) there has been a failure to comply with requirements made by a local authority; and (b) the failure has caused, or is or was likely to cause, a nuisance; or has been, or is or was likely to be, detrimental to any amenities of the locality.</p> <p>In addition, it is no longer possible to prosecute individuals and a FPN may not be issued in respect of a first offence. The process now involves the issuing of a written warning, a notice of Intent and a final notice. An appeal procedure is also available. The previous level of FPN (£100) has been reduced to a scale of between £60 and £80.</p>
<p>Environmental Protection Act 1990 – S 46(3)</p>	<p>This provision provides that requirements regarding receptacles for household waste may be made by a waste collection authority. In making requirements, the authority may, as respects the provision of the receptacles –</p> <ul style="list-style-type: none"> (a) determine that they be provided free of charge; (b) propose that they be provided, if the occupier agrees, by the authority on payment by him of such a single payment or such periodical payments as he agrees with the authority; (c) require the occupier to provide them if he does not enter into an agreement under paragraph (b) above within a specified period; or (d) require the occupier to provide them.

<p>Environmental Protection Act 1990 – S46 (4)</p>	<p>This provision concerns the ability of the authority to specify a number or requirements in relation to the collection containers, what is placed in them and how they are set-out: An authority may make the following requirements in relation to receptacles and may by notice, make provision with respect to -</p> <ul style="list-style-type: none"> (a) the size, construction and maintenance of the receptacles; (b) the placing of the receptacles for the purpose of facilitating the emptying of them, and access to the receptacles for that purpose; (c) the placing of the receptacles for that purpose on highways or, in Scotland, roads; (d) the substances or articles which may or may not be put in to the receptacles of any description and the precautions to be taken where particular substances or articles are put into them; and (e) the steps to be taken by occupiers of premises to facilitate the collection of waste from the receptacles.
<p>Environmental Protection Act 1990 – S 46 (11)</p>	<p>This provision, introduced by the Climate Change Act 2008, permits an authority to not collect household waste that is set out in contravention of a requirement under S46. The authority, having invoked this provision may be entitled to take enforcement action under section 46(6).</p>
<p>Environmental Protection Act 1990 – S 51 (b)</p>	<p>This provision provides that waste disposal authorities have a duty to arrange for HWRCs to be accessible for residents in an area to deposit their household waste. It stipulates that: The arrangements made by a waste disposal authority under this subsection shall be such as to secure that:</p> <ul style="list-style-type: none"> (a) each place is situated either within the area of the authority or so as to be reasonably accessible to persons resident in its area; (b) each place is available for the deposit of waste at all reasonable times; and (c) each place is available for the deposit of waste free of charge by persons resident in the area; but the arrangements may restrict the availability of specified places to specified descriptions of waste. <p>Not all wastes have to be accepted at all sites i.e. asbestos may be excluded at a particular site.</p>

<p>Environmental Protection Act 1990 – S 59</p>	<p>A local authority or the Environment Agency (or NRW in Wales) can issue a notice on an occupier or landowner to clear controlled waste that has been illegally deposited within a time period of not less than 21 days. An authority can also enter land and clear it and recover reasonable costs. An appeal procedure is available.</p>
<p>Environmental Protection Act 1990 – S 79</p>	<p>This section sets out matters that may be said to constitute ‘statutory nuisances’. Under Section 79 (e) ‘any accumulation or deposit which is prejudicial to health or a nuisance’ constitutes such a nuisance. A local authority is under a duty to inspect its area to detect any such nuisances. Where satisfied that such a nuisance exists, or is likely to occur or recur, it may serve an ‘abatement notice’ requiring the abatement of the nuisance or prohibiting or restricting its occurrence or recurrence and the taking of such steps as may be necessary.²² A 21 day appeal period applies.</p>
<p>Highways Act 1980 – S 149</p>	<p>Where anything is deposited on a highway (including a verge) which constitutes a nuisance, the highway authority can serve a notice on the person responsible for the deposit requiring its removal. If the deposit constitutes a danger, the authority may remove it or apply to the Magistrates Court for a disposal order. Reasonable expenses may be recovered from the person who deposited the material or the person claiming to be entitled to it.</p>
<p>Housing Act 2004 – Part 1</p>	<p>Part 1 of the Act refers to the application and enforcement of the Housing Health and Safety System (HHSRS), the purpose of which is to establish whether conditions in a property are such that they pose a hazard to the occupiers. There are 29 hazards in total and depending on the outcome of any assessment, the hazard will be classified as either Category 1 or Category 2. Category 1 hazards are considered the most serious. The proper storage and disposal of waste is classed as a Category 2 hazard. Improvement, prohibition or emergency notices may be served in respect of such hazards. An appeal process is available for those who are served with such notices.</p>

<p>Housing Act 2004 – Part 2</p>	<p>Part 2 of the Housing Act 2004 introduced a requirement that certain types of houses in multiple occupation (HMOs) are required to be licensed by the local housing authority. Mandatory licensing applies to HMOs comprising self-contained accommodation of three or more storeys occupied by five or more people, who do not form a single household. In addition, the Act provides that the Secretary of State may approve local licensing schemes which can apply to any other type or all other HMOs in a local authority area (additional licensing schemes)²⁴.</p>
<p>Housing Act 2004 – Part 3</p>	<p>The regime applicable to selective licensing regime is laid out in this legislation. A local housing authority may designate an area as subject to a license if prescribed conditions are met. One such condition is that an area suffers from a significant and persistent problem with anti-social behaviour (environmental crime may be sufficient). A strict consultation process must be followed in addition to the above grounds. Once granted, a license may include such conditions as the authority consider appropriate for regulating the management, use or occupation of the premises concerned.</p>
<p>Housing Act 1988 - S 21 (as amended by S 33 of the Deregulation Act 2015)</p>	<p>A landlord may recover possession of a property by issuing a section 21 notice. In light of the amendment introduced by the Deregulation Act 2015 on retaliatory evictions, such a notice may not be issued where a tenant has made a complaint regarding the condition of the property including any common parts of the building (the structure and exterior of the building and common facilities provided whether or not in the building).</p>
<p>Housing and Regeneration Act 2008 – Part 2</p>	<p>The provision of social housing is regulated by this Act. It lays down regulatory standards that must be complied with and provides for the establishment of a register of providers including local authority providers, profitmaking and non-profit organisations involved in the provision of social housing.</p>

<p>Housing and Planning Act 2016 – Part 2</p>	<p>This Act makes provision for the establishment of a database of rogue landlords and letting agents (where banning orders have been imposed). Notice must be given of the intention to include a person and this must also summarise the person’s appeal rights. An authority may require a person to provide specified information for the purpose of enabling the authority to decide whether to make an entry in the database. Failure to comply with this requirement may result in the imposition of a fine. Local housing authorities will be able to apply for a banning order of at least 12 months against a residential landlord or property agent who has been convicted of a ‘banning offence’ (these offences to be defined in further regulations) and will be used to prevent a person from (1) letting housing in England; (2) engaging in English letting agency work and (3) engaging in English property management work. In addition, a ‘banned’ person will not be permitted to hold a house in multiple occupation licence (HMO).</p> <p>A local authority may also make a management order on the basis that the property is being let in breach of a banning order.</p> <p>Schedule 3 makes changes to provisions in the Housing Act 2004 to allow interim and final management orders to be made in cases where a banning order has been made. The amendments made by this Schedule provide an additional circumstance in which a management order can be made i.e. when a property is being let in breach of a banning order.</p> <p>The local authority will receive any rent paid by the tenants instead of the landlord. The Secretary of State may make provision about how local authorities are to deal with any surplus in cases where an interim or final management order was made.</p>
<p>Local Government (Miscellaneous Provisions) Act 1976 – S 16</p>	<p>This provides local authorities with the power to obtain particulars of persons interested in land in the form of a ‘Requisition for Information Notice’. This may be served on the occupier, owner or a person who is authorised to manage the land or arrange for the letting of it. A fine can be imposed if a person fails to comply or provides materially false information.</p>

<p>Management of Houses in Multiple Occupation (England) (Regulations) 2006 – S 9</p>	<p>These Regulations impose duties on managers of HMOs in connection to their obligations to maintain the amenities and utilities of the premises. The manager must -</p> <ul style="list-style-type: none"> (a) ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal; and (b) make such further arrangements for the disposal of refuse and litter from the HMO as may be necessary, having regard to any service for such disposal provided by the local authority. A person who fails to comply with these Regulations commits an offence under section 234(4) of the Housing Act 2004, a fine may be imposed in respect of such a breach.
<p>Prevention of Damage by Pests Act 1949 – S 4</p>	<p>A notice for the destruction of rats and mice on land may be served on the occupier or owner requiring steps to be taken. The notice may also specify structural or other works for keeping the land free from mice or rats (such as the clearance of rubbish). The notice given must be reasonable.</p>
<p>Public Health Act 1936 – S 78</p>	<p>In respect of any court, yard or passage which is used in common by the occupants of two or more buildings (which is not a highway maintainable at public expense) which is not regularly swept and kept clean and free from rubbish or other accumulations and must be to the satisfaction of the local authority, a local authority may cause it to be swept and cleansed. Reasonable expenses incurred may be recovered from occupiers of buildings which front or abut on the court or yard, or to which the passage affords access.</p>

<p>Public Health Act 1961 – S 34</p>	<p>An authority may issue a notice on an owner or occupier requiring the removal of rubbish from any land in the open air which is seriously detrimental to the amenities of the neighbourhood. The notice may state the steps the authority will take to remove the rubbish (organic or inorganic matter). The owner or occupier may serve a counter notice and an appeal procedure is also available. No power to recover costs is available. For the purposes of section 34, ‘rubbish’ does not include material accumulated in relation to a business.</p>
<p>Refuse (Disposal) Amenity Act 1978 – S 6</p>	<p>Provides a power to an authority to remove articles (other than motor vehicles) abandoned without lawful authority on any land in the open air. If it appears that there is an occupier of the land, the authority is required to serve reasonable notice of its intention on the occupier. The cost of removal and disposal from a person who put the ‘thing’ where it has been abandoned may be recovered. An appeal procedure is available.</p>
<p>The Council Tax (Exempt Dwellings) Order 1992</p>	<p>A dwelling is classed as an exempt dwelling for council tax purposes if it is a dwelling comprising a hall of residence provided predominantly for the accommodation of students or is a dwelling occupied by one or more residents all of whom are students or occupied by one or more students as term time accommodation.</p>
<p>The Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012</p>	<p>These Regulations increase the discretion of billing authorities in relation to council tax discounts for empty properties. ‘Unoccupied and substantially unfurnished’ properties may receive a discount of between 0% and 100% of their council tax. An ‘empty homes premium’ may also be set for long term empty properties.</p>

<p>Town & Country Planning Act 1990 – S 21 (as amended)</p>	<p>A 28 day notice may be served requiring a condition affecting the amenity of land to be remedied if it's 'condition adversely affects the amenity of the area' Both general and specific grounds may be specified. An appeal to the Magistrates and County court is available under this provision. In addition, the owner or occupier can recover the costs of complying with the notice from anyone who caused or permitted the land to be in the condition that caused the notice to be served.</p>
<p>Town and Country Planning Act (General Permitted Development)Order 1995</p>	<p>This Act allows local planning authorities to remove permissions for change of use from C3 (family house) to C4 (small HMO) to fall within the General Permitted Development Order, thereby requiring planning consent for change of use to be granted. ('Article 4 Direction') It is used by some planning authorities to limit the number of HMOs in a designated area (for example council ward)</p>

Endnotes

- ¹ GLA, 2015. Housing in London 2015. Available at: https://www.london.gov.uk/sites/default/files/housing_in_london_2015_v3.pdf Last Accessed: 10/10/16
- ² Communities and Local Government. Housing Strategy Statistical Appendix. Data returns for 2013/14. CLG, 2014
- ³ DCLG, 2016. English Housing Survey. Private Rented Sector Report, 2015 – 15. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/539561/Private_Rented_Sector_Full_Report.pdf Last Accessed: 10/10/2016
- ⁴ <http://www.wrap.org.uk/content/improving-recycling-through-effective-communications-3> Last Accessed 27/10/16
- ⁵ <https://www.london.gov.uk/press-releases/mayoral/mayor-to-help-renters> Last Accessed 08/11/16
- ⁶ Available at: <https://www.gov.uk/government/publications/model-agreement-for-a-shorthold-assured-tenancy> Last Accessed 18/10/16
- ⁷ <https://www.tenancydepositscheme.com/news/blog/june-adjudication-digest-rubbish-removal/> Last Accessed 03/11/16
- ⁸ <http://www.letsrecycle.com/news/latest-news/dorset-director-calls-for-clarity-over-hwrc-charges/> Last accessed: 03/12/16
- ⁹ [http://www.wrap.org.uk/sites/files/wrap/2013%2003%2014%20INH0449_HWRC_Guidance_Final%20LC%20RG%20comments%20\(2\).pdf](http://www.wrap.org.uk/sites/files/wrap/2013%2003%2014%20INH0449_HWRC_Guidance_Final%20LC%20RG%20comments%20(2).pdf) Last accessed 10/11/16
- ¹⁰ <http://www.legislation.gov.uk/ukpga/2015/20/notes/division/5/46> Last accessed 03/12/16
- ¹¹ <https://www.airbnb.co.uk/help/article/1340/i-rent-out-my-home-in-london--what-short-term-rental-laws-apply> Last accessed: 02/12/16
- ¹² <https://www.gov.uk/government/consultations/houses-in-multiple-occupation-and-residential-property-licensing-reforms> Last Accessed 24/10/16
- ¹³ Sections 80(5), 80(6) and 261(1) (a) of the Housing Act 2014.
- ¹⁴ Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015 at para.6, the first general approval was issued in 2010 and required that consultation on selective licensing take place for a minimum of ten weeks.
- ¹⁵ This guidance is available from the DCLG website: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418551/150327_Guidance_on_selective_licensing_applications_FINAL_updated_isbn.pdf [accessed on 27 September 2016].
- ¹⁶ R (Regas) v LB Enfield [2014] EWHC 4173, the risk that licensing would displace rogue landlords and tenants to nearby areas was expressly recognised by the Court.
- ¹⁷ Rugg, J. and Rhodes, D., 2008, The Private Rented Sector; its contribution and potential, Centre for Housing Policy, University of York, pp66-7.
- ¹⁸ <http://www.bbc.co.uk/news/uk-wales-38104094> Last accessed 04/12/16.
- ¹⁹ Local Government Chronicle, November 2016. 'Community Protection Warnings are Cutting Anti-social Behaviour' 17/11/16, p.14
- ²⁰ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf - page 38 Last Accessed 19/08/16
- ²¹ <https://www.gov.uk/government/publications/waste-duty-of-care-code-of-practice> Last Accessed 24/10/16
- ²² <https://www.gov.uk/guidance/statutory-nuisances-how-councils-deal-with-complaints> Last Accessed 19/08/16
- ²³ The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) England Order 2006 Last Accessed 24/10/16
- ²⁴ The Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015. Last Accessed 24/10/16
- ²⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11491/319798.pdf Last Accessed 24/10/16