

Waste Collection from Houses of Multiple Occupation
Briefing Note for Overview & Summary – 3 January 2019

SUMMARY

Changes in Houses of Multiple Occupation (HMO) licensing which came into force on 1st October 2018 mean that Landlords must provide facilities for storing and disposing of household waste, recycling and garden waste.

It also extends the description of HMO's to include properties that are less than three stories high.

With regards to the waste element of this statutory instrument, landlords are expected to:

- Plan for waste storage at their properties when applying for an HMO license
- Make arrangements for the proper storage of waste containers within the boundary of their property
- Ensure bins and containers are stored in a neat and tidy manner
- Give waste collection information to tenants

Legal Implications

In April 2018, Parliament approved secondary legislation which reforms the mandatory HMO licensing regime. The Licensing of Houses in Multiple Occupation Order 20182 ('the Prescribed Description Order 2018') extends the scope of section 55(2)(a) of the Housing Act 2004 so that mandatory HMO licensing now also applies to HMO properties which are less than three storeys high.

A second statutory instrument, the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 20185 ('the Mandatory Conditions Regulations 2018') amends Schedule 4 of the Act, introducing new conditions that must be included in licences that have been granted under Part 2 of the Act. These are:

- Mandatory national minimum sleeping room sizes
- Waste disposal provision requirements

All HMO licences issued after 1 of October 2018 need to include a condition requiring the compliance with the council's storage and waste disposal scheme.

A licence holder's failure to comply with the scheme is a breach of the licence. This offence could be subject to an unlimited fine or alternatively a financial penalty of up to £30,000. This condition must be included in all licences

(mandatory or additional) granted or renewed after commencement of the regulations.

Background

The private rented sector is the second largest tenure after home ownership. HMOs are an important form of accommodation within this sector because they are typically cheaper than other private rental options and often house vulnerable tenants. There are currently 85 licensed HMO's in Redditch. This figure is likely to increase slightly due to the recent changes as to what is classified as an HMO.

HMOs, occupied by separate and multiple households, generate more waste and rubbish than single family homes. Inadequate facilities for refuse disposal can result in pest infestation, cause health and safety problems and more generally blight the immediate neighbourhood. This can be a particularly problematic where there are large numbers of occupiers.

Occupiers of HMO's may use the kerbside waste collection service and Household Waste Recycling Centres (HWRC) free of charge, however, the Manager of the HMO may not access the HWRC or the kerbside collection service to dispose of waste from the property. In this instance it will be classed as commercial waste.

A Manager of an HMO may access the Bulky Waste collection service and a charge will be levied accordingly relating to the items to be disposed of.

While overall responsibility for refuse collection remains with Redditch Borough Council, managers of HMO's have responsibility for ensuring there are appropriate facilities for storing rubbish their properties generate.

Contamination

i) Where waste is collected from HMO's and any other communal waste or recycling receptacle due to the lack of ownership, the quality and cleanliness of the items presented are generally very poor. Waste is often uncontained and deposited direct into bins rather than bagged which causes smell, flies and leaks. Recycling is generally highly contaminated and side waste and bulky waste items are frequently deposited in, at and around bins and waste collection points. It is the lack of overall responsibility over the bins which clearly creates the very poor state of communal bins as residents frequently blame one another for the cleanliness of the bin / site.

ii) Contamination of recycling bins in particular is a major concern as the quality of the loads collected are severely compromised. Worcestershire County Council's Waste Contractors (Severn Waste Services) will reject loads which result in higher disposal costs. Common contamination identified in communal bins includes recycling contained in black sacks, dirty nappies, liquids and food

waste. More pressingly residents using communal bins frequently use recycling in as as overflow for general residual waste.

Bulky waste in particular at HMO's can be of concern as tenants move out and furniture, white goods and black sacks will appear in the garden or the frontage of the property. Landlords in this circumstance should access the Bulky waste collection service or other similar collection service offered by another reputable waste collection operator.

When waste remains within the property boundary of the HMO, RBC will not remove the items as flytipping, street cleansing and thus they tend to perpetuate and degrade the overall appearance of the neighbourhood.

In May 2017 Environmental Services supplied the information in Appendix 1 to the Strategic Housing Team for distribution to private landlords as part of the Landlords forum.

Redditch Bourough Council Private Housing Team grant licences to HMO's which carry 2 schedules. Schedule 1 contains standard licence conditions, one of which is the duty under Section 9 to provide sufficient waste disposal facilities taking regard of disposal facilities provided by the local authority. In cases where waste disposal is identified as a particular issue officers have included specific reference to waste disposal in conditions prescribed within Schedule 2 of the licence via the following condition;

'Refuse receptacles capable of being stored outside, of a suitable size and being vermin proof, should be provided. The tenants should be made aware of the day of refuse collections and their obligations regarding the management of litter'

With the recent changes to HMO licencing which now extends licencing to any HMO of 5 or more persons irrespective of the number of storey's in the property, it is intended that this condition will be included in all Schedule 2 conditions attached to any further licences issued and any renewed licences issued

HMO waste is being discussed at a national level where there is a call from some Local Authorities to consider reclassification of HMO's as business premises, thus bringing them within waste requirements for commercial waste premises. This is particuallry the case where HMO's are abundant within the authority that continue to create very large quantities of poorly contained waste.

Customer / Equalities and Diversity Implications

Private sector rental accommodation including HMO's often house residents that do not speak English as their first language, this can be a significant barrier when communicating with residnets about the ir waste collection service. It is therefore more beneficial to have the the landlord advise and instruct their

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tenants at the time of arranging their tenancy whilst other arrangements and conditions are being negotiated.

Within the HMO sector many landlords also do not have English as their first language. The Private Sector Housing Team are sensitive towards this and as such ensure their team can cater for communication requirements of the landlords.

Private Sector Housing are ensuring that all future licences granted for HMO will include a written statement ensuring waste is sufficiently catered for as part of their conditions. The team also carry out inspections before granting any licence and during this inspection officer can communicate verbally the specifics of their conditions of licence.

APPENDICES

Appendix 1 - Waste Responsibilities for Landlords

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APPENDICES

Appendix 1 - Waste Responsibilities for Landlords

As a landlord renting out a property, you will want to make sure that is being looked after and this includes getting the tenants to use the waste collection services correctly whilst in your building.

As a landlord you must:

- i. Ensure tenants are disposing of waste appropriately. The Services provided by Bromsgrove and Redditch Waste Collection Services are designed to be easy to use and allow for safe collection and disposal of regular household waste.
- ii. Arrange for an alternative collection of waste should your tenants not be utilising the Council provided collections in the correct way. For example if tenants produce in excess of 240L of black bin waste or if they heavily contaminate recycling bins on a regular basis, you will need to find alternative methods of dealing with this waste. (Please enquire with us if have this problem).
- iii. Ensure that any bulky waste items or other items of rubbish are removed from the premises. Leaving waste in within the property boundary or on the street is not acceptable and can result of imprisonment or unlimited fines

As a Local Authority we must:

- i. Provide a waste collection service to each property and supply each dwelling with:
 - 1 x 240 litre grey bin for residual waste
 - 1 x 240 litre green bin for recycling waste

Our grey and green bins are collected on alternate weeks and have been designed for the convenience of the resident allowing a wide range of household packaging to be recycled.

- ii. Where appropriate, provide apartments and flats with communal bins, allowing the above capacity for each dwelling.
- iii. Offer a bulky waste collection service for household waste items that are too large for the regular bin collection service (this is a chargeable service.)

Once the property become vacant, any waste items left behind are no longer considered household waste but commercial waste. It is then the landlord's responsibility to pay for and remove. It is therefore within your best interest to ensure your tenants are fully aware of the services available to them as residents and are using them correctly throughout their tenancy.