



## **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.

### **Types of waste produced**

Waste created as part of building improvements, repairs or alterations to rental properties falls under the responsibility of the Landlord/Letting Agent. This includes any fixtures and fittings that are supplied under the terms of the lease which later become waste, such as faulty white goods, damaged carpets/curtains/furniture.

Where a Tenant vacates a property and leaves waste that they have generated during their tenancy but failed to dispose of, this waste also becomes the responsibility of the Landlord.

Waste created by the tenant in the course of their tenancy e.g. general rubbish (food, nappy waste etc.), recycling (plastic bottles, cans, paper etc.) and garden waste (grass cuttings, pruning's etc.) are the responsibility of the tenant to dispose of via the Council's domestic waste collection service using the wheeled bins provided to each property.



Domestic waste and recycling should be stored according to the Council's Waste Operational Policies in the containers provided (wheelie bin or sacks provided by the Council), which should then be put out for collection in the correct location and on the correct day. All waste must be stored safely and securely off the street unless it is collection day.

### **Information for Landlords and Letting Agents**

In order to comply with your 'Duty of Care' you may wish to consider the following:

- Think about how you intend to dispose of waste before undertaking any building improvements. Burning waste, using domestic waste bins belonging to the property or other properties, putting waste in street litter bins, leaving extra bags of rubbish next to domestic waste bins or at any other location on the street is not permitted
- Remember, waste can only be removed by a licensed 'waste carrier'. Look in the yellow pages for a reputable waste collection company and always ask to see their waste carrier's license before contracting them to remove any waste from your property. You can check whether a collector is genuinely registered by using the Environment Agencies Public Registers online.
- Remember, if you want to take waste to a disposal site yourself you will need to obtain a Waste Carriers License from the Environment Agency. All reputable waste disposal sites will ask to see a copy of this license before they allow you to dispose of waste at their site.
- How much waste do you produce each year? It may be more cost effective to set up a contract with a waste collection company.
- For one off clearances, Bedford Borough Council can arrange a special commercial collection of bulky items. We will provide a price based on an hourly rate. Costs must be agreed before a collection date can be set.
- Remember, the Household Waste Recycling Centre or HWRC (Tidy Tip) on Barkers Lane is licensed to accept domestic waste only and cannot therefore accept waste from Landlords/Letting Agents or their contractors/collectors.
- Provide new and existing tenants with information on their bin collection service and recycling information, including which waste is picked up by the Council and when, and which bin or coloured sack it should be disposed of in. All of this information is available on the Council's website at: [www.bedford.gov.uk/recycling](http://www.bedford.gov.uk/recycling)
- Ensure that waste bins/sacks are provided for tenants as well as somewhere safe and secure to store them off the street
- Consider adding a clause to your tenancy agreement requiring the property to be cleared of all waste at the end of the rental period. Failure to comply could result in a charge to the tenants for waste removal which could be taken out of their deposit. Otherwise the Landlord is then responsible for any waste left behind.
- Letting Agents, as part of their Duty of Care, should provide Tenants with the details of the waste disposal options available to them upon receiving notice of termination of a tenancy. Tenants have a wide range of free or minimal charge services available to them such as the HWRC on Barkers Lane and the Council's bulky waste collection service so they can safely dispose of the waste they have produced.



## Information for Tenants

In order to comply with your 'Duty of Care' you may wish to consider the following:

- Get information on your bin collection and recycling services, including which waste is picked up by the Council and when, and which bin or coloured sack it should be disposed of in. All of this information is available on the Council's website at: [www.bedford.gov.uk/recycling](http://www.bedford.gov.uk/recycling). If you have any queries contact the council on 01234 718060.
- Think about how you intend to dispose of waste before buying new furniture, electrical goods or having a party. Burning waste, using domestic waste bins belonging to other properties, putting waste in street litter bins, leaving extra bags of rubbish next to your black general rubbish bin or at any other location on the street is not permitted.
- Store waste bins/sacks safely and securely off the street, with the exception of collection day.
- Any bulky waste should be disposed of by using a licensed waste carrier or by arranging for it to be collected by the Council. The Council provides a bulky waste collection service where (for a fee) items of bulky waste such as fridges, beds, televisions etc. can be removed. For more information contact the Council on 01234 718060.
- Tenants can use the HWRC on Barkers Lane for bulky household waste, for which a permit may be necessary depending on the waste and the amount.
- For smaller recyclable items, Tenants can use the clothing & shoe banks and glass bottle banks which can be found at multiple locations within the borough.
- For more information contact the Council on 01234 718060.

## Penalties for not complying with your 'Duty of Care' responsibilities

Should waste from a property be found to not be safely stored or disposed, the local authority can take action against tenants **and** landlords. Any, or all, of the following penalties may be applied by the Council in these situations:

1. Issue of Warning Notice
2. Issue of a £300 Fixed Penalty Notice to the offender
3. Prosecution – a legal case being prepared and heard in a Magistrates Court which could result in a fine, payment of court costs **and** a criminal record. Breach of the Duty of Care is an offence, with a penalty of up to £5,000 on summary conviction or an unlimited fine on conviction on indictment

All of the above penalties are kept on record by the Council for 7 years, and would be considered should further evidence of non-compliance with your 'Duty of Care' be found at any point during that time.

**THERES'S NO EXCUSE – IT'S EASY TO COMPLY.  
SO WHY WOULDN'T YOU?**



## Useful Contacts

<b>Service</b>	<b>Contact</b>	<b>Phone Number</b>
<ul style="list-style-type: none"><li>• Bulky waste collection,</li><li>• HWRC waste permit,</li><li>• HWRC opening times,</li><li>• Ordering replacement bins/sacks,</li><li>• Refuse collection queries</li></ul>	Bedford Borough Council – Customer Services: <a href="mailto:callcentre@bedford.gov.uk">callcentre@bedford.gov.uk</a>	01234 718060
<ul style="list-style-type: none"><li>• Waste Carriers License applications</li><li>• Waste Carriers License checks</li></ul>	Environment Agency: <a href="http://www.gov.uk/government/organisations/environment-agency">www.gov.uk/government/organisations/environment-agency</a>	Enquiries: 03708 506506