

Environmental & Waste Services

Alison Ivatt - Environmental Services Manager

Natasha Hollidge – Waste Services Manager

LANDLORDS DUTIES AND RESPONSIBILITIES REGARDING WASTE

Where a property is not currently occupied by a tenant it is the Landlords responsibility to:

1. Secure all waste to prevent escape
2. Securely and legally transport/dispose of any waste

TENANTS DUTIES AND RESPONSIBILITIES REGARDING WASTE

When occupying a property it is the tenants responsibility to:

1. Secure all waste to prevent escape
2. Use the waste services provided by the Council correctly to securely and legally dispose of any waste produced

Waste from Rented Properties

All waste generated as part of building improvements, repairs/alterations to rental properties, as well as any property clearances, carried out by a landlord is deemed Commercial Waste.



Landlords and Duty of Care

All waste producers (both landlords and tenants) have a legal 'Duty of Care' to ensure all reasonable steps are taken to 'keep safe waste' within their property and dispose of it correctly.

Waste Legislation



‘Commercial waste’ is legally defined as waste ***‘from premises used wholly or mainly for the purposes of a trade or business’***. The letting or renting of a property is considered a business under the applicable legislation.

Commercial waste collection and disposal is primarily dealt with by the three following pieces of legislation:

Environmental Protection Act 1990 – in particular Section 34 Duty of Care

Clean Neighbourhoods and Environment Act 2005

Controlled Waste Regulations 2012

Bedford Borough Council has several powers under the above pieces of legislation. These include the power to check the correct disposal of waste at vacant rented properties by serving a notice on the Landlord to produce documentation to show how waste has been disposed.

Failure to comply with this notice could lead to a Fixed Penalty Notice, and/or prosecution and a fine.

Removing and Disposing of Waste



Landlords must ensure they correctly dispose of any waste. There are three options available:

1. Employ a waste collection contractor to collect and dispose of the waste.
2. Transport the waste to a licensed waste disposal site yourself (a Waste Carriers License will be required)
3. Use Bedford Borough Council's commercial waste collection service. Contact: 01234 718060

Please note: the Householders Waste Recycling Centre (HWRC) on Barkers Lane Bedford is provided for domestic waste only.

Landlords who attempt to dispose of commercial waste at the Barkers Lane site will be challenged by site staff. Periodic inspections are made of waste deposited at the site by Environmental Enforcement Officers.

Bedford Borough Council can issue a Fixed Penalty Notice, and/or prosecution which could result in a fine and a criminal record.

Property Clearances by Landlords



If a tenant vacates a property and leaves waste that they originally generated during their occupation, this waste then becomes the responsibility of the landlord to dispose of and is therefore deemed commercial waste.



It is also the landlord's responsibility to dispose of fixtures and fittings or larger items such as fridges, cookers, TV's etc that may have been supplied under the terms of the lease and later become waste.

Disposing of Waste from Property Clearances



Bulky waste can be disposed of using a licensed 'waste carrier' or by contacting Bedford Borough Council Commercial Waste Service to arranging for a collection (please note there is a cost for this service).

Make sure your contractor is fully compliant with the law - ask for a copy of their Waste Carriers License. Check the date is valid and the correct company name is displayed. Call the Environment Agency helpline on 03708 506506 to check.

Ask your contractor where they will take your waste for disposal. Check that the disposal site is licensed at www.environment-agency.gov.uk. Select the 'Environmental Permits (Waste Operations)' register and search for the facility using the town or postcode.

When your waste is collected you should receive a 'waste transfer note' stating what was collected, when and by whom. You are required by law to keep this document for 2 years and produce it if required.

Storing Waste

Landlords renting properties in Bedford Borough must comply with the local authority's waste management requirements.

Where a property is not occupied, it is the landlord's responsibility to ensure that any waste generated from their property is securely stored so it can not escape.

In practice, this means ensuring waste is stored in bins/bags away from the public highway to prevent unauthorised access.



How can landlords help?

Good communication with your tenants from the start can help ensure you don't get left with large amounts of waste to deal with when they leave.

Help tenants to understand what they need to do with their waste by referring them to the councils website: www.bedford.gov.uk/recycling where they can find out about their kerbside collections, request a bulky waste collection and find out about what they can take to the HWRC.

Make sure your tenants know that:

- Tenants **must not** dispose of waste by burning it.
- Tenants **must not** put waste in other properties bins.
- Tenants **must not** put waste in street litter bins.
- Tenants **must not** leave extra bags of general rubbish on the street.
- Tenants **must not** contaminate their bins with the wrong type of waste
- Tenants **must** place their bins/bags out for collection on the correct day

Key points for Landlords

- Landlords **must not dispose of waste by burning it.**
- Landlords **must not put waste into other properties bins.**
- Landlords **must not put waste into street litter bins.**
- Landlords **must not leave waste on the street.**
- Landlords **must ensure they obtain a Waste Carriers License if they intend to transport waste themselves**
- Landlords **should ensure that they only use licensed Waste Collection contractors**
- Landlords **should ensure that waste bins/bags are provided for tenants as well as some where safe to store them**

Useful information and Telephone Numbers



Commercial Waste Collection Enquiries
(01234) 718011

Recycling team
01234 718060

Domestic Waste Collection enquiries
01234 718060

Bulky waste Collections
01234 718060

Report Fly Tipping
01234 718060

Environment Agency:
www.environment-agency.gov.uk
03708 506506

Bedford Borough Domestic Waste Collection information:
www.bedford.gov.uk/recycling

Bedford Borough Domestic Waste Collection Day Finder:
www.bedford.gov.uk/bins