Waste from Rental Properties
Information for Landlords, Letting Agencies and Tenants
This information explains what responsibilities Landlords, Letting Agents and Tenants have in safely storing and disposing of waste from rental properties.

**Duty of Care**

This means that Landlords should ensure all their tenants are disposing of all household waste in a responsible manner. Reasonable steps should be made by the landlord to communicate to their tenant(s) what is and isn’t acceptable when disposing of their household 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** allow 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 all 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. This will not be collected by the Council and must be disposed of by the landlord/letting agency responsibly.

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/letting agency and must be removed in a timely and responsible manner.

**Commercial Waste from a Property**

Landlords disposing of commercial waste from the property must be able to provide evidence of how they have legally disposed of this waste. Section 34 Duty of Care states that all commercial waste movements require a Waste Transfer Note. Under s34 we can demand...
copies of all such waste transfer notes for periods of between 6-24 months. Failure to provide this evidence within 7 days is an offence, and may result in a FPN of £300 or prosecution.

Any commercial waste delivered to a household recycling centre is breaking the law - it is fly-tipping which is a breach of s34 Duty of care that will result in a prosecution.

**Landlord Responsibilities**

Once delivered all wheel bins and recycling containers become the responsibility of the landlord. Landlords must make tenants aware it is their responsibility for storing and setting out their bins in line with Council policy, this is particularly important where collection points are used.

Informing the resident of their responsibility for the safe and secure storage of the wheel bins and recycling containers and that the Council charges for a replacement bin (unless damaged or lost by the Council).

Informing the resident of where they can go for help if they have a problem with their waste and recycling.

Informing the resident of what they can do to dispose of bulky household items.

**Tenants Responsibilities**

Tenants must ensure that they use all the correct containers for managing their household waste including all recycling containers (see telephone number/website address for this overleaf)

The landlord can inform the tenant of the following:

**Do’s**

- Keep all waste securely on the property
- Keep all waste in the containers provide
- The bin should be presented no earlier than 6.30pm the evening before the collection
- The bin should be placed at the kerbside or collection point with no side waste and the lid fully closed.
- The bin must be collected after it has been emptied

**Don’ts**

- Don’t leave the bin uncollected after it has been emptied
- Don’t put side waste out, it will not be collected
- Don’t overfill the bin so the lid cannot close, it will not be emptied
- Don’t put any liquids in the bin
- Don’t put any hazardous waste into the bin
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:

Residents or landlords who fly tip in the alleyways are now issued with FPN’s of between £150 and £400 or prosecuted.

Residents who pass waste onto unlicensed carriers and don’t get a waste transfer note are in breach of domestic duty of care and will be liable to prosecution.

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.
Useful Contacts
For bulky waste collections, ordering replacement wheel bins/recycling containers, telephone the Customer Contact Centre on 01744 676789 or visit online at www.sthelens.gov.uk/recycling

HWRC Site addresses:

Ravenhead Household Waste Recycling Centre
Burtonhead Road, St.Helens WA9 5EA.
Opening Times:
1st April - 30th September: 8.00am to 8.00pm. 1st October - 31st March: 8.00 am to 5.00pm

Newton-le-Willows Household Waste Recycling Centre
Junction Lane, Newton-le-Willows, St.Helens WA12 8DN.
Opening Times:
1st April - 30th September: 8.00am to 8.00pm. 1st October - 31st March: 8.00am to 5.00pm

Rainhill Household Waste Recycling Centre
Tasker Terrace, Rainhill L35 4NX
Opening Times:
Monday - Friday: 1st April - 30th September: 8.00am to 8.00pm
1st October - 31st March: 8.00am to 5.00pm
Weekends:
1st April - 30th September: 9.00am to 6.00pm (Saturday) and 9.00am to 3.00pm (Sunday)
1st October - 31st March - 9.00am to 5.00pm (Saturday) and 9.00am to 3.00pm (Sunday)

Environment Agency
www.gov.uk/government/organisations/environment-agency
Enquiries: 03708 506506
Please contact us to request translation of Council information into Braille, audio tape or a foreign language.