

### **Storage and Disposal of Refuse – HMO Properties and evidence to support additional licencing conditions.**

It is widely recognised and accepted that the Local Environmental Quality in the West Area of Rhyl is adversely affected by waste related issues and that these issues are compounded by the high concentration of HMO's in the area. We estimate that approximately 30% of in-field officer time (Enforcement officers x 2 and Recycling technical Officers/ advisors x 5) is spent in the area of West Rhyl alone, in an attempt to resolve fly tipping and non-compliant waste behaviours amongst residents). The number of occupiers in HMO properties is often higher than in individual properties, and the transient nature of the tenancies means that the management of household waste can be more challenging. It is proposed that the current licencing conditions are enhanced to encourage greater compliance and accountability for waste management at HMO properties so that the Council are able to deliver an effective waste management service. The proposals seek to improve local environmental quality in the area, which has recently been defined as the most deprived area in Wales.

### **Evidence to support the inclusion of additional requirements from HMO landlords/ property Management companies:**

#### **Fly Tipping**

Analysis of the Council's data sources shows a correlation between areas with a large HMO concentration and the amount of fly-tipping in those areas. Fly tipping is often accumulations of black waste sacks (presented on other days to the designated collection day) and bulky waste.

The statistics below show the disproportionate number of formal requests we have received to respond to fly tipping in the West Rhyl area (Around 30% in the last two months) compared to the County monthly total.

<b><u>Month</u></b>	<b><u>No. of Incidents re W. Rhyl</u></b>	<b><u>Total for Month Denbighshire</u></b>
May 2019	10	60
June 2019	15	71
July 2019	24	106
August 2109	19	107
September 2019	26	63
October 2109	21	67

There is also a correlation with the amount of fly-tipping associated with HMO's in other areas i.e. Prestatyn, Denbigh, Ruthin and Llangollen. The problem is not confined to West Rhyl. However, data for this area is more readily available due to this area being a Council priority.

It is well known that fly-tippers tend not to travel too far from source, especially where car ownership is low. Areas of West Rhyl, in particular, John Street, River Street & Butterson Road seem to be the focus of the problem, although there are frequent calls to Sussex Lane where properties on Water Street and Queen Street back onto and which also has a high HMO concentration.

Several other problems also contribute to the levels of unauthorised waste being left out on the highways (Which is also a major source of litter as seagulls tear apart unauthorised waste sacks).

### **Limitations of Enforcement Powers to occupants of HMO properties.**

For the Council to be able to take enforcement action (Under Section 46 of the EPA) against an occupier who fails to manage their waste correctly, it is necessary for each family/individual to have their own waste container, and for them to be able to prevent others sharing the property from using their container. Where occupiers of HMO's share communal waste receptacles, the receptacles are often contaminated with the wrong materials. The Council is unable follow through on its four stage education/enforcement policy as we are unable to issue a fixed penalty (stage 4) unless there is evidence relating to a specific individual. This means our whole process is undermined as residents learn that they cannot be individually be held to account. This issue is commonplace across the UK. It is therefore extremely important that additional measures are put in place by the landlords of HMO properties to encourage good waste management behaviours of their tenants, and that they co-operate fully with the Council in managing waste issues relating to their properties. The Council is able to reach stage three of its enforcement procedure and reserve the right not to collect waste from a property unless it is presented as prescribed in a legal notice. At this stage it is important that the Council and Landlord take all necessary steps to prevent waste from accumulating on the property (Landlord responsibility) or being fly tipped on the adopted highway (Council responsibility).

The transient nature of HMO properties means that information available to the Council on property occupancy is not always up to date. This means that it is not always possible for us to service enforcement notices on all occupiers of a property in a timely manner. HMOs on Bodfor Street in Rhyl is a prime example of this. An enforcement officer found that at just one location he was able to only serve 1 out of 16 notices due to inaccurate information, and the people residing in the properties, in the main were not those listed on the Council's Council Tax System (Acadmi).

Additional steps are therefore required to ensure that the Council can be proactive in contacting new tenants about the waste collection service within the confines of GDPR requirements (**Appendix A**).

### **Abuse of free wheeled bin replacement service**

The Council have evidence to demonstrate that the high turnover of occupants in HMO's, and the lack of ownership over individual waste containers leads to an excessive demand on the Council's free container replacement service. The cost of supplying containers in 2018/19 across the County was £86547. There is a proportionally high percentage of replacement bins issued by the Council in areas close to high concentrations of HMO properties for the following reasons:

- Tenants are not made aware of the Council's waste collection requirements so blue bins are contaminated and abandoned.
- Bins are frequently reported as stolen in areas where HMO's are in high concentrations, as tenants attempt to acquire more residual bin capacity than their entitlement to avoid having to recycle.
- Bins are left unemptied within the private curtilage of HMO properties as new bins are requested

## Contamination of Recycling / Failure to recycle

Tonnage data available to the Council indicates that the percentage of waste recycled in West Rhyl is lower than in any other part of the County. It is the only area where we have to operate a scheduled collection of unauthorised non-recyclable waste on a weekly basis, due to the amount of unsegregated waste being put out by residents living in the area (including those in HMOs and other tenanted properties. There is a lack of knowledge and understanding about the service amongst residents and it is more challenging for the Council to make sure direct mailshots get to each tenant in HMO's, compared to individual households. Therefore compliance amongst HMO tenants as to how to segregate and present their waste is low, requiring additional steps to be put in place to help signpost residents to the Council services and instruct them how, where and when to present their waste. Information displayed at the property will help overcome this issue, especially as some tenants may be unwilling to contact the Council.

The Council has a team of Technical Recycling Officers, which has been boosted by 2 FTE's since July 2019 to focus on enhancing the engagement and enforcement of our waste collection requirements in West Rhyl and other areas where tenants are often on a sack collection service due to a lack of outside storage space for bins. At least every two weeks, the Council now carry out enforcement events on waste collection day in West Rhyl to identify people who are not presenting their waste correctly – either by dumping black sacks (unauthorised waste) or by not separating out recyclables. Officers have found that many residents who are “caught” claim they are unaware of the correct council procedures and have had no information supplied by their landlords.

Below, provides an example of additional work that has been carried out in West Rhyl in just one day, in order to manage abandoned and contaminated wheeled bins.

Location of bin	Bin type	Date for collection	Reason for abandonment
Aquarium street	blue-240	03/12/2019	not Known
Coast Road	green	03/12/2019	not Known
alley by mill bank pub	x2 green	03/12/2019	not Known
alley by mill bank pub	blue -240	03/12/2019	owner deceased

## Proposed Licencing Conditions for HMO's in relation to the “Storage and Disposal of Refuse”

**Cleanliness**

The Authority requires that refuse is not allowed to accumulate in either individual rooms or common parts of the HMO, including the outside areas within the curtilage of the entire property

**Waste Receptacles**

The Local Authority must provide all containers that are to be serviced by the local authority. The landlord must provide a full set of Authorised containers for each address, on a scale adequate to the requirements of the occupiers, to a maximum capacity permitted by the local authority (The local authority will confirm this). There is a delivery charge to the landlord for all new and replacement containers/ sacks required at the start of a new tenancy. The charge for replacing containers during a tenancy is the responsibility of the tenant only if the tenant (or tenants "family" have sole use of the container. It is the responsibility of the landlord to ensure that Council owned containers are present and serviceable at the end of each tenancy in the property and that disposable pink/clear sacks are provided to new tenants where the property is on a sack collection service.

By 31<sup>st</sup> July 2020 all re-useable waste containers at each property must be registered to the Landlord through the Council's Microchipping Service. The Council will retrofit all microchips to existing waste containers free of charge. The Landlord is responsible for arranging for waste containers to be microchipped by completing the relevant microchipping request form. All new containers supplied after from 1<sup>st</sup> August 2020 will be automatically be registered. This will assist both the Council and the monitor the tenants use of the service (recover stolen or abandoned bins, identify contaminated bins etc.). Microchips must not be removed from the waste container. The landlord is responsible for booking a visit to their property to have all waste containers microchipped by the 31<sup>st</sup> July 2020 (**Appendix B** Booking Form).

Council owned reusable waste containers must be empty, clean and serviceable at each change of tenancy.

Additional containers may be provided by the Landlord at their discretion and emptied at their own expense through a commercial arrangement with the council or private registered waste carrier.

All containers should be situated on an external hard standing area with suitable and convenient access by occupants for cleansing of the area and removal/ presentation of containers for collection (Where a kerbside presentation point is designated). The waste storage area must be within the curtilage of the property. Waste containers must not be stored on the public highway at any time.

If there is no adequate space to store refuse within the boundaries of the property from week to week and no way of providing extra space, the license holder/manager shall be required to make arrangements for additional collections at their own expense.

Where there is adequate space, individual waste containers for separate tenancies are required, as opposed to the sharing of containers. The landlord should take all reasonable steps to ensure that tenants only use containers allocated to them. This may include providing lockable containers (unlocked on collection day for access by waste collection operatives), use of CCTV, for example, should non-compliance amongst tenants result in regular rejection of waste containers by the Council.

### **Designated Collection points**

Waste receptacles must be placed out at the designated collection point on the designated waste collection day and taken back onto the property as soon as possible after collection. This is the responsibility of the tenants, where individual tenancies have designated bins. Where tenants share communal waste containers, this is the responsibility of the Landlord to agree (and enforce) with their tenants how their waste containers are presented and return to the curtilage of the property.

In order to reduce the amount of waste escaping into the locality, and to reduce contamination of recycling bins/ fly tipping, the Council will agree to the collection of waste containers from the external storage area of the property wherever practicable and where access is granted by the landlord (through open access or key code entry) **Appendix C** can be completed by the landlord to arrange a review of designated collection point.

Where access to the external waste container storage area is agreed, the council require the following:

- Access uninhibited to all waste containers to be emptied
- All waste types to be contained within the correct waste containers provided as prescribed by the Council to the tenants through a legal notice (Section 46 of the Environmental protection Act, 1990).
- Waste to be fully contained within the bin and not overfilled (Bin lids should be able to fully close).

### **Information to HMO occupants**

The occupants must be informed in writing at the beginning of their tenancy on which days refuse and recycling collections take place. Occupants must also be notified where their designated waste collection point is. This information should be provided in their tenancy information pack/agreements. This information should also be permanently displayed in a prominent position within the HMO (Foamex durable signage (A3 size) available free of charge from the Council's Waste and Recycling Service from 1<sup>st</sup> February 2020). Should the agreed waste collection point be changed by the Council, this signage must be updated by the Landlord within 14 days of the Council notifying the Landlord.

The Landlord should notify the Council Waste and Recycling Service every time there is a change of tenancy to a property to enable all occupiers to be served a Waste Compliance Notice (Section 46 Notice). The personal details of the tenant is not required (In order to be GDPR compliant). The form on which to complete the required information is detailed in **Appendix A**.

## Appendix A (DRAFT)



Please complete in BLOCK CAPITALS and black ink

Change of Tenancy Notification (HMO Licencing requirement)				
Name of landlord				
Tel:				
Email:				
Mailing address of Landlord incl. postcode				
HMO Property Address incl. postcode				
Please circle the tenancy relevant information	Property is now empty		A new tenant (s)	
How many tenants are in your property?	Adults (18+)		Children / or depend ants up to age 18)	
<b>Please sign and date the following 3 statements:</b>				
I confirm that I have provided the new tenant aware of the waste management arrangements at the property				
	Name Printed	Name Signed	Date	
I confirm I have supplied the new tenants with access to a full set of operable waste receptacles at the property				
	Name Printed	Name Signed	Date	
I confirm that permanent signage is displayed at the property to inform the tenant about the waste collection arrangements				
	Name Printed	Name Signed	Date	
Please state here if you or your tenant(s) require any support from the Council in relation to Waste Management				

**Please return this form to:** FAO: Waste and Recycling Team, Kinmel Park Depot, Bodelwyddan, Denbighshire, LL18 5UX **OR** email it to XXXXXXXXXXXXXXXX. You will receive an email acknowledgement with 10 working days.

## Appendix B (Draft)



Please complete in BLOCK CAPITALS and black ink

Booking Form: Microchip Containers (Please complete for each individual property)				
Name of landlord				
Tel:				
Email:				
Mailing address of Landlord incl. postcode				
HMO Property Address incl. postcode				
How many separate tenancies are active at your property				
How many tenants are in your property in total?	Adults (18+)		Children/ or dependants up to age 18)	
Current Waste Container provision – please state number of each container				
	Blue bins	Black bins	Food waste caddies	
Do you think have enough bin capacity for all your occupants?	Yes	No	Unsure	
Do your separate tenancies have their own waste containers, or are they shared?	Own	Shared	Both / unsure	
Can the Council gain access to the containers to microchip the containers?	YES (provide details)		NO	
Please list here all Flat / bedsit numbers that should be registered to individual sets of bins, e.g. 13a only. If bins are shared, please indicate which flats/bedsits share bins (e.g. 13a,b,c; 13d,e,f;)				
Please state here if you or your tenant(s) require any other support from the Council in relation to Waste Management				

**Please return this form to:** FAO: Waste and Recycling Team, Kinmel Park Depot, Bodelwyddan, Denbighshire, LL18 5UX **OR** email it to XXXXXXXXXXXXXXXX. You will receive an email acknowledgement with 10 working days. A recycling advisor will contact you directly to arrange the bins at your property to be microchipped. All additional or replacement containers supplied through the microchipping process will be delivered free of charge.

## Appendix C (DRAFT)



Please complete in BLOCK CAPITALS and black ink

Waste and Recycling Collection Point Review request Form				
Name of landlord				
Tel:				
Email:				
Mailing address of Landlord incl. postcode				
HMO Property Address incl. postcode				
How many separate tenancies are active at your property	A new tenant (s)			
How many tenants are in your property in total?	Adults (18+)		Children/ or dependants up to age 18)	
Current Waste Container provision – please state number of each container				
	Blue bins	Black bins	Food waste caddies	
Do you think have enough bin capacity for all your occupants?	Yes	No	Unsure	
Do your separate tenancies have their own waste containers, or are they shared?	Own	Shared	Both / unsure	
Who puts out the waste containers for collection?	Tenants		Landlord or appointed person	
Whereabouts are the waste containers currently presented/ emptied on collection day?				
Where are the waste containers stored when they are not presented for collection?				
Would you be prepared to leave your bin storage area accessible to the waste and recycling collection crews on the designated collection day (from 6.30am)?				
Please state how you propose to make the bin storage area accessible (e.g. leave gate unlocked/ provide a key code / agree to supply a master key etc...				

**Please return this form to:** FAO: Waste and Recycling Team, Kinmel Park Depot, Bodelwyddan, Denbighshire, LL18 5UX **OR** email it to XXXXXXXXXXXXXXXX. You will receive an email acknowledgement with 10 working days. A recycling advisor will contact you directly about your application.