

Conditions for recycling, rubbish and gardens

Guidance on compliance with HMO Licensing
conditions including photographic examples

Housing Services
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Contents

	Page
Introduction	2
1. Household recycling and rubbish containers	3
1.1 Further guidance on household rubbish and recycling	6
2. Maintenance of gardens and yards	7
2.1 Expectations and recommendations	7
2.2 Photographic examples	10
3. Monitoring and enforcement of licensing conditions	13
3.1 Sanctions	13
4. Other legislation	14

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Introduction

This document provides guidance on complying with the requirements of the following Bath and North East Somerset Council HMO Licensing Conditions:

HMO Licensing Conditions

- Sufficient containers, with lids must be provided for household rubbish and recycling within the unit of accommodation and outside. The containers outside must be kept in a designated appropriate area, and with lids fitted and in a tidy condition, sufficient to minimise their visual impact.
- All reasonable steps must be taken to ensure any gardens and yards belonging to the licensed property are maintained in a reasonable condition and free from litter. Where the occupants are responsible for maintaining the outside space they must be provided with suitable and sufficient tools to do this. Where tools are provided they must be allocated appropriate storage.
- The Licence Holder and any Manager are required to monitor garden maintenance and take the necessary steps to resolve any non-compliance.
- The recycling and rubbish collection information and any subsequent updates must be displayed in the property.

The guidance has been designed for landlords, managing agents, tenants, local residents and Council officers.

It is intended to help:

- landlords and agents understand the licensing conditions and provide transparent advice on what the Council believes are reasonable expectations;
- tenants understand what standards are reasonable and where the Council may intervene if standards slip;
- local residents understand where the Council may be able to intervene and where they will not;
- Council officers enforce the licensing conditions with consistency.

Following this guidance is not compulsory, unless specifically stated, and you are free to take other action. However, following this guidance will normally be enough to comply with the conditions. Council officers may refer to this guidance when seeking to secure compliance with the law.

1. Household recycling and rubbish containers

Condition

Sufficient containers, with lids must be provided for household rubbish and recycling within the unit of accommodation and outside. The containers outside must be kept in a designated appropriate area, and with lids fitted and in a tidy condition, sufficient to minimise their visual impact. Additional containers can be provided by contacting Council Connect on 01225 394041 or councilconnect@bathnes.gov.uk

Provision of sufficient containers to meet the licensing condition

Outside

Rubbish - household rubbish kept outside **must be contained** to prevent birds and animal gaining access and causing a mess.

The Council will only collect rubbish from a Council issued wheeled bin or re-useable rubbish bag. Bin lids must be closed for collection, extra bags of rubbish will not be collected.

Recycling - as 75% of the contents of average household rubbish can be recycled, tenants should be encouraged to recycle all they can, so there is space in their rubbish bin. Visit www.bathnes.gov.uk/recyclemore to check what we can collect for recycling.

Recycling containers can be ordered for free online www.bathnes.gov.uk/orderacontainer

For an HMO with 5 or more residents we recommend the following numbers of recycling containers:

- 2 or more green recycling boxes
- 1 or more food waste outside bins (for us to collect from)
- 1 food waste kitchen caddy (to keep in kitchen to collect food waste)
- 1 blue bag for cardboard recycling

Inside

As a minimum there should be a rubbish bin provided in the property.

The smaller food waste caddy for kitchen food waste recycling should also be provided in the kitchen.

See rubbish and recycling containers we provide with sizes in table below.



Unacceptable litter due to insecure waste storage

Container	Dimensions (mm)	Floor Space req. (mm)	Example Image
55 litre recycling box	Width – 590 Depth – 395 Height – 375	600 x 405	
23 litre food waste outside container	Width – 320 Depth – 345 Height – 405 Height with lid open - 760	330 x 355	
5 litre food waste kitchen caddy	Width – 270 Depth – 205 Height - 205	These are likely to be kept in a kitchen cupboard or on a worktop	
Blue bag for cardboard recycling	45cm cubed with a capacity of 91 litres.		
140 litre wheeled bin for rubbish	Width – 560 Depth – 480 Height – 1100	600 x 600	
240 litre wheeled bin for rubbish	Width – 750 Depth – 620 Height – 1100 Height with lid open – 1750	950 x 820	

Putting out rubbish and recycling for collection

Recycling, including food waste is collected weekly. Rubbish is collected **every other week** for most properties.

Check your collection day www.bathnes.gov.uk/checkcollection

When? By 7am on the scheduled collection day or after 8pm the previous evening in the containers we have provided.

Where? At the front edge of the property – but make sure they do not obstruct the pavement or walkway.

Bring all empty containers back in as soon as possible on collection day to keep our streets tidy.

Examples of suitable containers for storage of recycling containers

Pictures are for illustrative purposes only



Storage containers – these can be fitted in gardens and yards to store recycling containers prior to collection. Please note that Council crews will not collect items from these storage containers.

1.1 Further guidance on household rubbish and recycling

Moving out - end of year student clearance

If you manage **student** HMOs, we acknowledge that extra rubbish and recycling is produced when students move out in the summer and tenancies and houses are cleared.

Your support during the student move out period is essential to keep our streets clean and tidy for all to enjoy, and to encourage your tenants to recycle more and donate re-usable items.

The Council works with the Student Community Partnership, and both universities on an annual student move out campaign. This campaign provides advice to students to help them leave their properties for the summer in the right way, without causing problems with their neighbours.

An important part of the campaign includes advice and information about planning ahead to manage their end of term waste. We encourage the students to recycle as much as possible, donate what is re-usable and use their rubbish and recycling collection responsibly before they move out. We also remind them that they are responsible for their waste, and could be fined by us or have their deposit withheld from their landlord if they do not put out their recycling and rubbish correctly.

Please visit your properties as soon as they are vacated to check your tenants have not left rubbish and recycling in the property/garden or put it out for collection on the wrong day. If you employ cleaners to clean the property, you must arrange for them to put out the rubbish and recycling in the correct way and on the scheduled collection day. If this is not possible you may need to arrange a commercial collection with a registered waste carrier, or take items to our Waste Transfer station (next to Bath Recycling Centre at Midland Road) where you can pay to dispose of waste and/or sorted recycling for a charge www.bathnes.gov.uk/businesswaste

We work with the British Heart Foundation's *Pack for good* campaign to place temporary charity donation banks in student areas. We door knock properties to deliver the British Heart Foundation's 'Pack for good' leaflet and offer advice to students to help them manage their recycling and rubbish collections.



As well as making the most of their **weekly recycling** service please remind students to make use of these services:

Recycling Centres –they can take extra rubbish/recycling to the Recycling Centre for free but they need to take their student ID with them. www.bathnes.gov.uk/recyclingcentres

Collection of larger items - they can arrange a collection to get rid of any bulky items such as fridges/sofas. Check charges and how to book www.bathnes.gov.uk/wasteservices

2. Maintenance of gardens and yards

Condition

All reasonable steps must be taken to ensure any gardens and yards belonging to the licensed property are maintained in a reasonable condition and free from litter. Where the occupants are responsible for maintaining the outside space they must be provided with suitable and sufficient tools to do this. Where tools are provided they must be allocated appropriate storage.

The Licence Holder and any Manager are required to monitor garden maintenance and take the necessary steps to resolve any non-compliance.

On inspection, Housing Services Officers will consider whether gardens, yards and outside space associated with the HMO are in a reasonable condition.

Officers will consider if the garden is:

- ✓ **Acceptable** – a reasonably maintained garden.
- **Borderline** – gardens in this condition may be noted by officers and landlords maybe contacted. This may include gardens showing signs of becoming overgrown or in poor condition. Access to amenities, impact on others and health and safety will be considered.
- X **Unacceptable** – greatly overgrown gardens which must be rectified immediately. It may impact on others; restrict access or compromise health and safety. Landlords will be contacted. Failure to act may result in enforcement action being taken.

Photographic examples are shown on pages 11, 12 and 13.

2.1 Expectations and recommendations

Disposing of garden waste

The landlord/manager should provide a way to dispose of garden waste. We do not collect garden waste in Council rubbish wheeled bins/re-useable rubbish bags as part of the rubbish collection service.

Options include:

- Home compost bin/area
- Garden waste fortnightly collection service for a charge. Hire a 240 or 140 litre bin to join this service. To find out more visit www.bathnes.gov.uk/gardenwaste
- Garden waste Council sacks (80 litre capacities). Available for a charge from Council One Stop Shops and some local outlets. These are especially useful for occasional use, such as end of term garden clear ups.

- Take garden waste for composting to our Recycling Centre for free.

The following aspects should be considered when maintaining a garden:



Health and safety

- Decking, patios and paths should be in good condition, non-slip and clear of vegetation
- Handrails should be provided on flights of steps and especially if steep or uneven, installed in accordance with current Building Regulations
- Sheds and outside storage should be safe and secure
- Shrubs, hedges other foliage should not overhang or obstruct paths and public highways
- Overgrown gardens can harbour pests



Amenity

- The space should be usable by occupants
- Washing lines and other facilities should be easily accessible and in a functional condition to encourage use (helping to keep moisture out of the property)



Hedges (see page 11)

- Hedges must not overhang public highways (roads and pavements). Consider if the hedge is in flower at the time and if the overhang is causing a significant obstruction. Would a wheelchair user easily be able to get by?



Lawns (see page 13)

- Lawns should be mowed at least monthly during the growing season (generally March to October). Frequency may increase or decrease depending upon weather conditions.



Provision of gardening equipment

It is not ordinarily expected that tenants would be required to maintain hedges and undertake significant garden maintenance work. However, if this is agreed, then suitable tools and equipment should be provided, for example:

- Lawnmower – maintained in good working order by the manager with appropriate training/demonstrations given to tenants;
- RCD adaptor – for use with electric lawnmowers;
- Shears – for trimming small shrubs;
- Personal protective equipment as required e.g. gloves to assist with weeding, handling brambles; goggles if weed killer to be used etc.



Storage of equipment

If gardening equipment is provided, suitable storage space must be allocated. This should be secure and must be in a safe and sound condition.



Garden structures

Structures in the garden e.g. fences, sheds, garages, paths, steps, decking etc. must be maintained by the manager/landlord. They must be structurally sound and any guarding or handrails should be provided as necessary.



Disposing of garden waste

The manager should provide a means of disposing of garden waste. Options include:

- Home composting area
- Garden waste bins available as a large wheeled bin (240 litres; 107cm x 58cm x 73cm) or small wheeled bin (140 litre; 106cm x 49cm x 55cm). Biweekly collection with an annual charge per bin
- Garden waste sacks 80 Litre capacity (H: 101cm x W: 63cm). Available for a charge from Council Connect and via a range of local outlets
- Taking the garden waste to a Council's recycling centre



Low maintenance gardens (see page 12)

In promoting urban sustainability, Bath and North East Somerset Council does not encourage conversion of garden spaces into impermeable yards. That being said, if provided, low maintenance gardens must be regularly weeded and dead vegetation cleared. Ornamental plants should be maintained and not overhang the public highway.

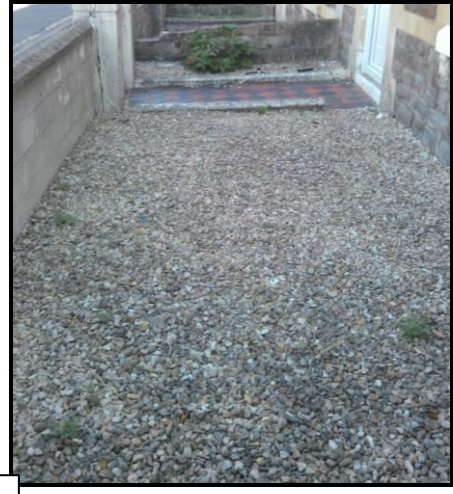


Tenants' duties

Landlords can put in the tenancy agreement that the tenants are required to maintain the garden. Nevertheless, the manager is ultimately responsible.

2.2 Photographic examples





Acceptable low maintenance gardens



Borderline low maintenance gardens

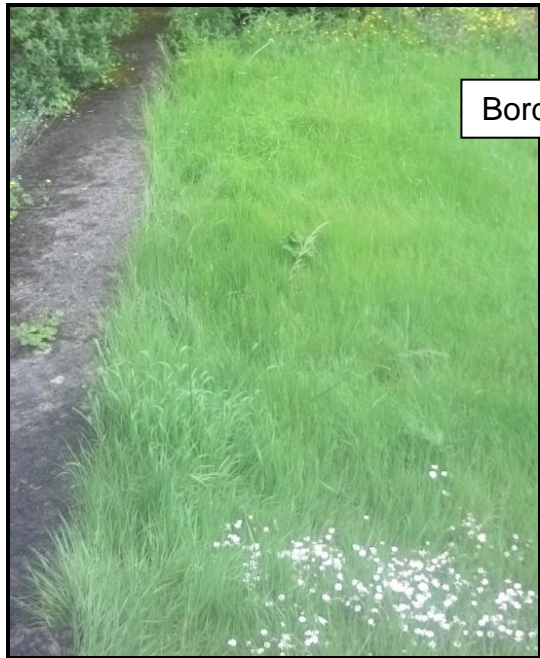


Unacceptable low maintenance gardens





Acceptable lawns



Borderline lawns



Unacceptable lawns



3. Monitoring and enforcement of licensing conditions

- Officers will inspect gardens and yards and check on whether sufficient household waste and recycling containers have been provided when carrying out inspections.
- Officers will walk and monitor areas/roads of concern and where necessary contact landlords and/or arrange follow-up inspections to investigate potential breaches of housing legislation.
- Complaints from tenants and neighbours of poor maintenance and disrepair will be followed-up and considered when determining enforcement action.
- Breaches of licence conditions and management regulations may be subject to enforcement action by Housing Services in line with [Housing Services Enforcement and Licensing Policy](#). It is anticipated that in most circumstances the Licence Holder/Managing Agent will be contacted informally to resolve any issues. Failure to act may result in formal action.

3.1 Sanctions

- Breaches of licensing conditions – unlimited fine on summary conviction or civil penalty fine
- Review of fit and proper person status. Where licence holders persistently breach licensing conditions, the local authority can review and revoke a person's fit and proper person status. If this happens then the individual or company will not be permitted to have any involvement in any licensable property.

4. Other legislation

In addition to the HMO licensing conditions, the Local Authority also have a range of other powers available to tackle poorly maintained garden areas, rubbish, litter and fly tipping.

These include (not exclusively):

Management Regulations

The [HMO Management Regulations](#) place various duties on managers and occupants of HMOs, including:

- The **manager** must:
 - ensure that any garden belonging to the HMO is kept in a safe and tidy condition.
 - ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal; and
 - make such further arrangements for the disposal of refuse and litter from the HMO as may be necessary, having regard to any service for such disposal provided by the local authority.
- Every **occupier** of the HMO must:
 - conduct himself in a way that will not hinder or frustrate the manager in the performance of his duties;
 - store and dispose of litter in accordance with the arrangements made by the manager under regulation 9.

Breaches of Management Regulations carry an unlimited fine on summary conviction

Environmental Protection Act 1990

The Council specifies the type of container to be used by householders for their waste and recycling for collection, along with how, when and where to place the containers for the purposes of collection. Under Section 46 of this act the Council can issue a fixed penalty fine of £60 if householders do not comply with these procedures.

Other relevant powers include:

- The Town and Country Planning Act 1990
- Anti-social Behaviour, Crime and Policing Act 2014
- Prevention of Damage by Pests Act 1949