

Date received:	4 th July 2023
Date responded:	31 st July 2023
Subject:	Council Policy/Legislation for Communal Charging of Residents for Waste Removal

Question:

Details of Douglas Corporation policy and or legislation for the communal charging of residents for waste removal, where person responsible for waste cannot be identified, with any details where residents have been communally charged for waste dumped by unidentified persons.

Reason for request is letter from [REDACTED] dated 30th June 2023 (Attached).

Response:

Response to part 1 of the request;

"Details of Douglas Corporation policy and or legislation for the communal charging of residents for waste removal, where person responsible for waste cannot be identified"

There are a number of legal documents and issued guidance that relate to and/or outline the responsibility of managing waste materials within shared complexes, as well as any obstructions or unsuitable storage of materials.

Legislation

Within the tenancy agreement, section 2 (n) that clearly states that the tenant must comply with all relevant legislation.

the Tenant must comply with all relevant legislation, regulations, byelaws and requirements of any competent authority from time to time affecting the Property and/or the Tenant's occupation thereof including the Regulations in Schedule Two hereof;

As a responsible landlord, the Council complies with pertinent property management and related legislation. For instance, fire regulations strictly prohibit obstructions within multi-occupancy buildings that could either facilitate the spread of fire or impede safe evacuation during emergencies. The Council also ensures proper handling of waste materials and storage to maintain safety and compliance.

The following extract Fire Precautions (Houses in Multiple Occupancy & Flats) Regulations 2016) 11:3 page 14, page 28

Every escape route must be kept clear of any obstructions.

1) Monthly inspections and tests Page 45

(a) escape routes are clear from obstructions and combustible materials;

Every escape route must be kept clear at all times, so there must not be any obstructions or combustibles stored in these areas.

Tenancy agreement

The tenancy agreement, signed by all tenants prior to property allocation, is the key legal document that outlines the responsibility of managing waste materials, as well as any obstructions or unsuitable storage of materials.

There are a number of sections within the tenancy agreement that relate to this issue and provide clear guidance.

Schedule: Regulations

Ref: 2

All rubbish, ashes, refuse and waste material required to be removed from the Property shall be placed ready for removal in suitable closed receptacles. No liquids shall be placed in any such receptacles.

Schedule: Regulations

Ref: 16 (3)

The Tenant shall ensure that the Property is kept clean and tidy and in particular that: Bins and other receptacles are kept and maintained on or around the Property for the proper disposal of all waste and rubbish, including supply and renewal of any dustbins on or at the Property;

Schedule: Regulations

Ref: 21

The Tenant shall not obstruct or cause nuisance in or on the Estate or in any building or common area that the Property is within and in particular shall not smoke nor cause or permit any smoking in any shared or common areas of the building in which the Property is situate.

Within the tenancy agreement, provisions are outlined regarding situations where the Council may levy charges upon tenants for costs incurred due to their failure to adhere to the regulations specified in the agreement.

Schedule: Regulations

Ref: 17

In the event of the Tenant being in default of any of the foregoing regulations, or any of the covenants within this Tenancy Agreement, Douglas Borough Council shall renew, repair or effect as the case may be at the cost of the Tenant.

Tenancy Handbook

The Council provides all tenants with a comprehensive tenancy handbook, which serves as a transparent guide outlining the expectations and responsibilities of both the Housing provider (The Council) and the tenant(s). The handbook contains several references related to waste management (rubbish or unwanted materials) and obstructions or unsuitable storage of materials.

These sections are:

Section: Your tenancy (Page 8 onwards)

Looking after your home

It is your responsibility to take good care of your home and to prevent anyone else from damaging it. We will charge you for any deliberate damage or vandalism carried out to your

property. You must keep the inside of your home clean and well decorated. You must not make any changes to the structure and services (e.g. electricity, gas, oil or water supply) of the property, or put up sheds or any form of fence or outbuilding without first asking in writing for permission to do so. You are also responsible for keeping your garden and the outside of your property clean and tidy and free from rubbish. A full explanation of who is responsible for repairs and maintenance can be found on page 20 and is also contained in your tenancy agreement in full. If you are unsure as to your obligations, you should always first check the terms of your tenancy agreement, particularly clause 2 in relation to your covenants as Tenant, and the Regulations in the Schedule at the back.

Looking after shared areas

If you live in a block where there are shared areas, we expect you and the other tenants to keep these areas clean and tidy. For your own safety, please make sure that you keep shared areas free from rubbish and obstructions. Please be aware that under current legislation you are not permitted to smoke in shared areas inside the property such as entrance halls and stairwells and you could be prosecuted if you do so.

Section: Repairs, Maintenance and alterations (Page 19 onwards)

Rubbish disposal

If you allow rubbish to build up so that it causes a health hazard, Douglas City Council Housing may arrange for its removal and charge you with the cost. If rubbish, or unwanted household items, are left in your property at the end of your tenancy we will also charge you for clearing them.

Response to part 2 of the request;

“Any details where residents have been communally charged for waste dumped by unidentified persons.”

There have been no situations where Douglas Borough Council have communally charged for rubbish removal. There have been instances where individuals have been charged for waste removals.

The enclosed letter mentions the Council's potential ability to charge all tenants in the building for the cost of removal. However, upon review, the Council acknowledges that this statement lacks clarity and conciseness. Therefore, it will be modified to emphasise the necessity of providing evidence and specify that only those tenants who can be proven to have left the items will be subject to the charges.