



Department
for Environment
Food & Rural Affairs

Nobel House
17 Smith Square
London SW1P 3JR

T 08459 335577
helpline@defra.gsi.gov.uk
www.gov.uk/defra

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From Lord de Mauley
Parliamentary Under Secretary

To Local Authority Chief Executives

Guidance on Bin Charging on Student Accommodation

We are aware that some local authorities have recently written to landlords in their areas that provide student accommodation, advising that free domestic waste collections will cease and alternative commercial arrangements will be required, for which a charge will be made. In turn, in some cases, these charges are being passed directly onto students.

The new charges are being made by applying the description in the Controlled Waste (England and Wales) Regulations 2012 of “domestic property used in the course of a business for the provision of self-catering accommodation” (entry 11 of the table in paragraph 2 of Schedule 1) to waste from businesses that provide self-catering accommodation to students.

It has never been the Government’s intention to include waste from students, or any privately rented domestic property, in this description of self-catering accommodation.

Neither is it Coalition Government policy to target the private rental sector for new waste charges. Indeed, the Government has legislated to abolish bin taxes via the Localism Act 2011, and Defra and DCLG Ministers have previously made their views clear on ‘backdoor’ bin charging for standard rubbish collections.

We gave local authorities powers through the 2012 Regulations to charge for the collection and disposal of waste from a wider range of non-domestic premises than before, so that local authorities and their residents are no longer obliged to subsidise the waste management costs of local businesses in all cases. Using the Regulations to charge for the collection and disposal of waste from privately owned student accommodation blocks



would be to go against our intentions. Our intention was to permit charging in cases of the provision of accommodation for individuals whose sole or main residence is elsewhere.

We did not intend this to apply to students living in such accommodation blocks who are, by definition, residing at their student address to undertake their studies.

The Valuation Office Agency has determined that the student accommodation can be a residential dwelling, and is entered onto the council tax valuation lists accordingly. Whilst students may not pay council tax, this is explicitly because the long-standing student disregard under the Local Government Finance Act waives their tax liability. By contrast, hotels, hostels and professional holiday lets are classified by the Valuation Office Agency as business hereditaments.


We are writing to provide clear guidance that such charges should not be made. If charges relating to such student accommodation continue to be made, we are prepared to amend secondary legislation to ensure that this practice is stopped. Local authorities who charge may also be liable to legal challenge, investigation by the Local Government Ombudsman and/or a formal complaint to the local auditor for *ultra vires* charging.

I hope that such a step is not necessary, and instead, we should seek to work constructively to promote recycling and responsible waste management by student households.

We will communicate with landlords' representatives, to ask them to ensure that recycling performance and presentation of waste is improved where necessary at the properties they manage. Improved recycling performance by landlords and students where necessary will help make the waste from these premises less costly. It will also help local authorities to maximise revenue from recycling. Yet the imposition of bin charging on students is likely to harm the environment, by creating an incentive for fly-tipping and backyard burning; such policies risk aggravating problems experienced in some neighbourhoods with high-density student accommodation, undermining good community relations.



Brandon Lewis MP



Lord de Mauley

