



## CABINET REPORT

<b>Report Title</b>	<b>Abandoned shopping trolleys</b>
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**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	16 January 2019
<b>Key Decision:</b>	No
<b>Within Policy:</b>	Yes
<b>Policy Document:</b>	Yes
<b>Service Area:</b>	Customers and Communities
<b>Accountable Cabinet Member:</b>	Cllr Mike Hallam
<b>Ward(s)</b>	All

### 1. Purpose

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- 1.1 To update cabinet on the outcome of a public consultation on charging for the removal, storage and return of abandoned shopping trolleys
- 1.2 To ask cabinet to resolve that schedule 4 of the Environmental Protection Act 1990 applies to the whole of Northampton Borough. This will enable the council to seize and remove abandoned trolleys and to charge the owners for their return.
- 1.3 To seek cabinet approval for the setting of the fee for this service.

### 2. Recommendations

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- 2.1 That cabinet accepts the results of the public consultation outlined in the report.
- 2.2 That cabinet formally resolve that schedule 4 of the Environmental Protection Act 1990 be applied to the whole of Northampton. The scheme cannot come into force until at least three months after the date of the resolution. It is therefore recommended that the implementation date is 1st May 2019.

2.3 That cabinet agree that the fee for recovery be set at £ 65 per trolley.

### **3. Issues and Choices**

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#### **3.1 Report Background**

- 3.1.1 In recent years the Council has received a significant number of complaints about abandoned shopping trolleys.
- 3.1.2 Neighbourhood Wardens deal with these complaints, liaising with the trolley collection services used by some supermarkets or the stores themselves, to arrange removal of the trolleys. During 2018 over 100 trolleys have been reported to the collection services or collected by the neighbourhood wardens and park rangers.
- 3.1.3 In some cases this can take significant time and resources, for example if the trolleys are in a watercourse on inaccessible location.
- 3.1.4 Legal powers are available under section 99 of the Environmental Protection Act 1990 to resolve to apply schedule 4 of the Act.
- 3.1.5 The application of schedule 4 allows the Council to seize abandoned trolleys, remove them to such a place as it thinks fit and to charge a reasonable fee for their return and if not claimed after a period of six weeks to sell or otherwise dispose of the trolleys.
- 3.1.6 The Schedule cannot come into effect until at least three months after the date that the Council resolves to apply the schedule to its area. For clarity it is recommended that the scheme should come into force on 1 May 2019.
- 3.1.7 Arrangements will be made for the collection, storage and return of any trolleys found or reported in the borough of Northampton. A calculation of the reasonable cost of these is outlined in section 4.2 below.
- 3.1.8 An online consultation on the proposal has been carried out during December. Supermarkets, community groups and partner agencies have been invited to indicate their views on the proposal. A verbal report on the outcome of the consultation will be provided to Cabinet.

#### **3.2 Issues**

- 3.2.1 Abandoned supermarket trolleys are unsightly and cause environmental damage, particularly when they are in watercourses and lakes.
- 3.2.2 The removal of abandoned trolleys places a financial and time burden on the neighbourhood warden and park ranger teams.
- 3.2.3 At present there is no formal mechanism in place for the recovery of the costs incurred.

- 3.2.4 Resolving to adopt schedule 4 of the Environmental Protection Act 1990 will allow the cost of removal storage and return to trolleys to be recovered from their owners. In addition if trolleys are not claimed within 6 weeks, they can be sold and any income from this sale can be used to offset costs.
- 3.2.5 Some supermarkets are members of trolley recovery schemes such as Trolleywise and others make in house arrangements for the collection of trolleys, using staff members or contractors to carry out patrols to identify and recover their trolleys and to respond to reports of abandoned trolleys. Some supermarkets use coin deposit systems to discourage the removal of trolleys from their sites and others use trolley wheel lock systems which physically prevent trolleys being removed from their site.
- 3.2.6 It is hoped that the imposition of charges for the return of trolleys will encourage more supermarkets to put arrangements of this type in place. If this is the case it is possible that there will be little need for the service. It is therefore proposed to monitor the number of reports of actions to deal with abandoned trolleys over the coming months. If the scheme is implemented, the actual cost of trolley recovery, storage and return will be monitored over the first three months and an update report giving this information will be provided to Cabinet with an update report in late 2019.
- 3.2.7 Any other issues raised in initial phases of consultation.

### **3.3 Choices (Options)**

- 3.3.1 Cabinet can choose to resolve that schedule 4 of the Environmental Protection Act 1990 be applied to the whole of Northampton. This will provide a mechanism for the clearance of abandoned trolleys and allow the costs of recovery, storage and return of abandoned trolleys to be recovered from the owners of the trolleys
- 3.3.2 Cabinet can choose not to make this resolution. This would mean that the removal of trolleys would continue on the current ad hoc basis. This imposes a cost on the Council in that the cost of the warden and park ranger time in carrying out this work and any disposal costs are recovered in accordance with the polluter pays principle.
- 3.3.3 Cabinet can choose to impose a fee of £65 for the return of all trolleys collected in accordance with the scheme and to sanction the sale of any unclaimed trolleys. The actual cost of the process will be monitored over the first three months of the operation of any scheme agreed and a further report submitted to cabinet in late 2019 when a change to the charging level may be proposed.
- 3.3.4 Cabinet can choose to impose a different charge, however if this charge were set at an excessive level the Council could be subject to legal challenge and if the cost does not cover the cost of the work carried out it would impose a financial burden on council tax payers.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

- 4.1.1 If the recommendation to resolve that schedule 4 of the Environmental Protection Act 1990 is accepted this will set new policy for the authority. This would be in line with the overall approach to environmental enforcement and echoing the polluter pays principle.

### **4.2 Resources and Risk**

- 4.2.1 Neighbourhood wardens and park rangers are currently investigating reports of abandoned trolleys on their areas. They are also carrying out proactive checks and reporting trolleys to designated collection organisation and / to the stores where they originate. Some work has been carried out to remove trolleys and return them. On occasions this has involved removing trolleys from difficult locations including watercourses.
- 4.2.2 Data from these activities has been used to calculate an average time to deal with the removal of a trolley.
- 4.2.3 Storage costs have also been factored in to calculate an overall average cost of trolley removal, storage and return and the administration work involved in tracing and contacting the trolley owner and processing of payments made.
- 4.2.4 These calculations have resulted in a suggested cost of £65.

It is proposed that if the scheme is implemented this is the fee initially charged and that further work is carried out in the first three months of the scheme to monitor actual costs. If actual cost prove to be significantly different, an amended fee will be put to Cabinet for approval.

- 4.2.5 The required notices and invoices would be issued to registered offices of the companies concerned with copies being provided to the managers of the appropriate local stores.

### **4.3 Legal**

- 4.3.1 Section 99 of the Environmental Protection Act 1990 gives local authorities the power to resolve to apply schedule 4 of that act to their areas. The schedule allows the authority to remove, store and return abandoned shopping trolleys and to recover the costs of doing so from the owners of the trolley following the service of an appropriate notice. Any trolleys which are not reclaimed within six weeks can be sold and the income retained by the Council.
- 4.3.2 The Council has a statutory duty to consult widely amongst local businesses about the proposal to enact Schedule 4 in the Borough. There is no duty to enact any changes proposed by consultation responses but the Council must

demonstrate that it has taken such responses into account when deciding whether to enact the scheme.

- 4.3.3 Schedule 4 cannot come into force until it has been advertised in the local media and a period of at least three months after the date of the resolution has elapsed. It is therefore proposed that the scheme commence on 1st May 2019.

#### **4.4 Equality and Health**

- 4.4.1 The proposal to implement schedule 4 has been subject to a consultation with businesses and community organisations.

#### **4.5 Consultees (Internal and External)**

- 4.5.1 Legal services, finance, partnership unit, planning.
- 4.5.2 Business and community groups via public consultation exercise.

#### **4.6 How the Proposals deliver Priority Outcomes**

- 4.6.1 The proposal contributes to the delivery of the corporate plan objective of delivering a clean, green and tidy town.

#### **4.7 Other Implications**

- 4.7.1 There are no other implications.

### **5. Background Papers**

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- 5.1 Environmental Protection Act 1990 section 99 and schedule 4.
- 5.2 Summary of consultation responses.

### **6. Next Steps**

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- 6.1 If the resolution is approved the schedule will be implemented from 1<sup>st</sup> May 2019. It is proposed to provide a report to Cabinet in autumn 2019 to update on the progress and impact of the implementation.

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