



Report of: **Executive Member for Environment and Transport**

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SUBJECT: Recovery of abandoned Luggage Trolleys and Shopping Trolleys

1. Synopsis

- 1.1 Abandoned shopping trolleys blight the local environment and can lead to further littering and fly-tipping.
- 1.2 The Council currently collects approximately 100 shopping trolleys a month that have been abandoned on our streets and housing estates.
- 1.3 The Council can adopt statutory powers that would enable it to collect abandoned shopping trolleys and luggage trolleys from land open to the public, return them to the owner and to recover the Council's reasonable costs of doing so.
- 1.4 This report provides details of the relevant legislation, outlines the proposals and provides information on the resource implications. The report also sets out the responses to a formal consultation and seeks agreement to formally adopt the relevant statutory powers.

2. Recommendations

- 2.1 To note the outcome of the consultation and to agree that the statutory powers to deal with abandoned shopping trolleys and luggage trolleys under section 99 and Schedule 4 of the Environmental Protection Act 1990 shall apply to the Council's area with effect from 25 January 2016.
- 2.2 To agree the charging structure and arrangements for implementation of a trolley retrieval service as set out in paragraph 3.11 of this report.

3. Background

- 3.1 Shopping trolleys of all descriptions, but mainly supermarket shopping trolleys, are routinely found abandoned across the Borough. Up to 100 are collected by the Council each month with many more remaining uncollected. Shopping trolleys are also the subject of regular complaints from residents. Abandoned trolleys not only look unsightly, but can be left in roads creating traffic hazards, abandoned on housing estates, can attract anti-social behaviour including fly tipping and generally detract from the local environment.
- 3.2 Shopping trolleys are often damaged beyond repair, full of rubbish or left abandoned in locations that make collection difficult. These factors can mean there is little benefit in owners recovering them. The local authority is able to follow the legal notice processes contained within the Environment Protection Act 1990 (the 'EPA'), but with no power to recover the costs involved in trolley retrieval from the owners.
- 3.3 The Council also relies on the goodwill of local stores recovering their own trolleys and putting measures in place to prevent them from being taken out of the environs of the store in the first place
- 3.4 Schedule 4 of the Environmental Protection Act 1990 (EPA) does however enable local authorities to adopt powers enabling them to take enforcement action against the owners of trolleys and to resolve problems associated with abandoned trolleys.
- 3.5 These powers can be summarised as follows:
- They apply to abandoned trolleys found in the open air.
 - This does not include land from where the trolley originated (e.g. supermarket car parks), or which is designated for trolleys (trolley stores), or with respect to luggage trolleys, to rail/tram/bus stations or airports.
 - A trolley abandoned on public land may be seized and removed to such place under the authority's control as it thinks fit. On occupied land, a trolley may only be removed with the consent of the occupier, or after expiry of a 14 day notice served on the occupier if consent is not forthcoming.
 - A seized trolley can be sold or disposed of after six weeks.
 - If the owner of the trolley is known, the local authority must advise the owner that the authority has removed the trolley and where it is being kept and that if it is not claimed, the authority may dispose of it.
 - If the owner claims the trolley, the local authority must deliver the trolley back to the owner on payment of such charge as the authority requires.
- 3.6 The above enforcement powers are only available to the Council if it formally adopts schedule 4 of the Environmental Protection Act (1990). The Council has conducted a formal 90 day consultation with persons and representatives of persons who appear to the Council to be affected by the schedule. Letters were sent to all local supermarkets and their Head offices, to other outlets which may use trolleys and to representative bodies, the British Retail Consortium, Association of Town Centre Management and the Association of Convenience stores. Only one response was received, from Sainsbury's PLC, and this is attached at Appendix 1A, though the response did not object to the adoption of the powers by the Council. The Council's response is at Appendix 1B. If a resolution to adopt is passed, the Council must advertise that fact in a local newspaper. The Council can then implement the powers in Schedule 4 three months from the date of the resolution.
- 3.7 The Clean Neighbourhoods and Environment Act 2005 (CNEA) further amended the EPA so as to additionally enable local authorities to recover their costs whether the owner wants it back or not. The process remains the same but the new provision states that after the specified retention

period of 6 weeks, if the owner of the trolley is known, that person can be charged for its removal, retention and disposal. The owner has no choice in this and the charge is payable on demand and is recoverable as a debt. This means that where the owner of the trolleys is known, authorities will be able to recover their costs incurred in removing, storing and disposing of those trolleys.

- 3.8 It is proposed that the Council formally adopts Schedule 4 of the Environmental Protection Act 1990 which facilitates the collection of abandoned trolleys from open land, the return of them to the owner and the recovery of the costs of doing so.
- 3.9 Currently, abandoned trolleys are collected and treated as waste and therefore incur a cost to the authority. The main costs of the process as envisaged are those of collection, storage and return. Further costs will be incurred by staff carrying out the legal searches and paperwork. As the legislation suggests that cost recovery is a major driver in this new process, it is envisaged that after a settling-in period the scheme would become self-financing.
- 3.10 If all trolleys are dealt with using the cost recovery process described, and based upon an assumption that 80% of trolleys will have identifiable owners, it is estimated that each return or disposal would incur a cost of between £120.00 and £230.00 (dependent on early collection/storage/disposal).
- 3.11 After an analysis of the real projected costs, the following charging structure for the trolley retrieval service is recommended:
- Collection fee - £70.00
 - Admin fee - £35.00
 - Storage fee - £15.00 per week (maximum 6 weeks)
 - Disposal fee - £35.00

4. Implications

4.1 Financial implications:

The service would be undertaken by utilising existing resources within the Cleaner Streets Programme. The service may generate a small income stream for the Council and this will be used to offset any administrative costs incurred.

4.2 Legal Implications:

The Council may resolve to adopt Schedule 4 of the Environmental Protection Act 1990 which provides powers for local authorities to deal with abandoned shopping and luggage trolleys. The schedule would come into force in Islington on the day specified in the resolution which must be at least 3 months from the date the resolution is passed. Notice of the passing of the resolution must be published in a local newspaper circulating in Islington.

In deciding whether to adopt the provisions, the Executive should take full and proper account of the response received to the consultation

Under paragraph 4 of Schedule 4, any charges must be fixed at a level sufficient taking one financial year with another, to cover the cost of removing, storing and disposing of trolleys

4.3 Environmental Implications:

The collection of abandoned luggage trolleys will improve the general street scape within Islington. Trolleys that need to be disposed of will be treated as scrap metal and sent for recycling at licenced treatment facilities.

4.4 Resident Impact Assessment:

The Council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The Council has a duty to have due regard to the

need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The Council must have due regard to the need to tackle prejudice and promote understanding.

A Resident Impact Assessment has been completed and is available on request. No significant negative impacts were identified.

5. Conclusion and reasons for recommendations

- 5.1 The Executive is recommended to adopt the provisions of Schedule 4 of the Environmental Protection Act 1990, in order to deal with abandoned trolleys in Islington.

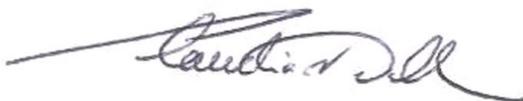
Appendices:

Appendix 1A/B consultation correspondence

Background papers: None

Final report clearance:

Signed by:



14 October 2014

Executive Member for Environment and Transport

Date

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Date

Dear Site/Store Manager,

Formal Consultation on Islington Council proposals to deal with abandoned shopping & luggage trolleys.

**Environmental Protection Act 1990 – Sec 99 and Schedule 4
Clean Neighbourhood and Environment Act 2005**

Islington is a vibrant and growing place in which to live, visit or do business and spends a significant amount of money each year keeping the Borough clean and tidy for the benefit of all. We take many different actions and work with numerous partners in order to achieve this.

One specific problem in many communities is that caused by shopping trolleys, and other types of trolley which have been taken away from their site and abandoned somewhere in the local neighbourhood.

The Environmental Protection Act 1990 (EPA), Schedule 4 contains powers which formally allow a local authority to seize and remove abandoned trolleys, retain them and then sell or dispose of them. The authority cannot remove trolleys from private occupied land without the consent of the occupier or without having informed the occupier by Notice that it intends to remove the trolley. If an owner wishes for the trolley to be returned, they may ask for the trolley to be returned at a cost. Schedule 4 of the EPA provides further details if you are interested. This can be found at:
www.opsi.gov.uk/acts/acts 1990

The Clean Neighbourhood and Environment Act 2005 now adds to the EPA and brings the opportunity for the Council to collect, remove and dispose of an abandoned trolley. The Council can then charge the owner for the costs of removal, storage and disposal. This charge is payable on demand and can be recovered as a statutory debt.

As a user of trolleys, it will become important that you actively prevent/minimise trolley losses, as it could add a significant cost burden to your business. Such steps as coin deposit mechanisms, or magnetic wheel braking are 2 ways that may help to reduce losses.

At the moment, Schedule 4 of the EPA does not apply to Islington. Abandoned trolleys are simply collected and dealt with as waste.

Islington Council is to seek a resolution that Schedule 4 of the EPA applies to the whole of its area. Under Section 99 of that Act, this letter is consulting you on these proposals. It is proposed to actively use these powers and Islington Council would seek to recover the costs of recovery, storage and disposal of abandoned trolleys from the trolley owners in the future. The costs are as yet not known, but will reflect the actual costs of collection, administration, storage, staff costs and overheads.

If you have any observations or comments to put forward you have the opportunity to do so in writing to the address below. These should be received before XX XX 2014.

Yours Faithfully

Kenny Wilks

A handwritten signature in black ink, appearing to read 'Kenny Wilks', with a stylized flourish at the end.

Head of Street Environment Services