



To: Executive Councillor for Streets and Open Spaces:
Councillor Anna Smith

Report by: Joel Carré, Head of Environmental Services

Relevant scrutiny
committee: Community 6/10/2016
Services
Scrutiny
Committee

Wards affected: Abbey Arbury Castle Cherry Hinton Coleridge
East Chesterton King's Hedges Market Newnham
Petersfield Queen Edith's Romsey Trumpington
West Chesterton

ABANDONED SHOPPING TROLLEY REVIEW

Not a Key Decision

1. Executive summary

The purpose of this report is to seek Executive Councillor authorisation to consult on the proposed abandoned trolley policy, as set out in Appendix 1; and associated increase in service charges for dealing with abandoned trolleys, as set out at Appendix 2.

2. Recommendations

The Executive Councillor is recommended:

To authorise officers to consult on the proposed abandoned trolley policy, as set out in Appendix 1; and increase in charges for dealing with abandoned trolleys in accordance with this policy, as set out at Appendix 2.

3. Background

3.1 In 2015, the Local Government Association (LGA) stated that the number of abandoned trolleys in the UK was currently running at over 1.5 million a year and recognised that hard-pressed local authorities, who are having to make the best of significantly reduced budgets, are being left with a massive clear-up headache. Many trolleys end up in rivers and ditches and councils are being forced to stem floods and remove blockages.

- 3.2 In 2006, the City Council elected to approve use of Schedule 4 of the Environmental Protection Act 1990, Section 99, as amended by the Clean Neighbourhoods and Environment Act 2005. This legislation enables the Council to recover costs from trolley owners for the collection, storage and return of abandoned trolleys. In Cambridge, this came into effect on 7 February 2007, and allows the Council to charge a fee to owners of abandoned trolleys regardless of whether or not they reclaim the trolley.
- 3.3 Since 7 February 2007, the Council has notified trolley owners of the location of any trolleys reported as abandoned. Trolley owners are given until 5pm the following day from notification to recover the trolley. If a trolley is not recovered by this deadline, or where a trolley is reported, or discovered in a dangerous location, the Council will seize the trolley.
- 3.4 Once a trolley has been seized, the Council must notify the owner within 14 days of the date of seizure, that their trolley is being held in a particular place and that the Council intends to dispose of it (if it is not claimed) within a period of six weeks. If the trolley is claimed within that six week period, the owner is not entitled to have the trolley returned to them unless they pay to the Council, on demand, such charges as the Council requires. If the trolley remains unclaimed, then the Council can sell or otherwise dispose of the trolley (once the six weeks have expired) and re-charge the associated costs to the owner.
- 3.5 The Council is currently collecting and dealing with in excess of 390 reports of abandoned trolleys, and, of these, seizing in the region of 190 trolleys every year. Approximately 47% of abandoned trolleys, reported to the Council, end up being seized either for being in dangerous locations or the owner failing to collect it. The average cost for owners' for abandoned trolleys impounded by the Council is £110.73 per trolley. A breakdown of abandoned trolleys by year in the City Council's administrative area is included in Table 1 below.

Table 1: Number of abandoned trolleys in Cambridge City administrative area (2011-15)

Year	Reports of abandoned trolleys	Number of trolleys seized
2015	548	245
2014	392	192
2013	483	200
2012	394	171
2011	741	330

- 3.6 The legislation sets out that the fixing of charges for dealing with abandoned trolleys should be sufficient to cover the cost of removing, storing and disposing of the trolley. In setting those charges, a council may take into account costs associated with administration, collection, storage and delivery, including staff time.
- 3.7 These costs must be regularly reviewed, and, in line with the legislation, a council is required from time to time to consult on the operation of Schedule 4 in its area, with those who are affected by it, and to monitor the number of trolleys recovered under the Schedule.
- 3.8 In benchmarking with other District Councils there is a wide variation in the level of charges levied. For instance Wrexham County Borough Council charges £110 per trolley for a similar service; and Enfield Council charges up to £270 per trolley if the trolley is unclaimed after 6 weeks. A breakdown of these comparator charges is included in Table 2 below.

Table 2: Comparative trolley charges

Council	Wrexham	Cambridge	Enfield
Administration costs	£15.00	£20.00	£35.00
Removal from land	£35.00	£25.00	£25.00
Storage (per week)	£10.00	£17.50	£35.00
Total after 6 weeks	£110.00	£150.00	£270.00

- 3.9 The charges set out in Appendix 3 are those currently levied by the City Council for trolleys. In order to reflect the increases in the costs of the Council's abandoned trolley services over the last eight years, a proportionate increase of 6% has been added to the proposed charges in Appendix 2.
- 3.10 A number of retailers over the years have requested the Council to collect and return their trolleys immediately to the store (in essence by-passing the need for storage of trolleys). At present the charges for this service are not reflective of the service costs, i.e. journey time for staff to return trolleys are not included in cost levied. To address this discrepancy, a new service charge is proposed for such retailers in Appendix 2, which both enables the Council to cover its costs and the retailer to have the quick return of their trolleys; and is a more cost-effective service option than the current one, where a trolley is seized, stored and then delivered back to the owner by the council.

4. Implications

(a) Financial Implications

The running costs of the scheme are recovered in the charge made to the trolley owners. The debt accrued against the owner can be recovered as a statutory debt.

(b) Staffing Implications

There are no staffing implications associated with the proposed changes.

(c) Equality and Poverty Implications

The charge per trolley will be the same regardless of the size of the store and whether it is part of a chain. The removal of abandoned trolleys from highways helps to reduce obstructions caused to users, particularly for those with disabilities.

An EQIA has not been completed because there is no obvious impact on 'people' (residents, staff or people who work in or visit Cambridge).

(d) Environmental Implications

Nil: to indicate that the proposal has no climate change impact.

(e) Procurement

There are no procurement implications.

(f) Consultation and communication

This scheme has been running for eight years and is widely publicised with all retailers that use shopping trolleys. All stores are written to on an annual basis to remind them of their legal obligations and the abandoned trolley system and associated charges operated by the Council.

In order to ensure the council is adhering to legislative guidelines, the proposed policy and increase in charges will be conducted as a consultation with retailers known to be providing a trolley service in that area and/or representative bodies such as the British Retail Consortium, Cambridge BID (Business Improvement District), the Association of Town Centre Management and the Association of Convenience Stores. Rail, road transport or airport operators known to be providing a trolley service in that area. The consultation will run for a period of 6 weeks and seek views of the above organisations; following the consultation the results will be analysed and a report will be provided at committee for adoption of the final policy.

(g) Community Safety

The community safety implications are the most significant, as abandoned trolleys are, at the least, unsightly and make an area appear uncared for; and, at the worst, cause an obstruction to highway users and to and to watercourses, resulting in an increased risk of property flooding.

5. Background papers

These background papers were used in the preparation of this report:

Environmental Protection Act	1990	-
http://www.legislation.gov.uk/ukpga/1990/43/contents		
Clean Neighbourhoods and Environment Act	2005	-
http://www.legislation.gov.uk/ukpga/2005/16/contents		

6. Appendices

Draft Abandoned Trolley Policy – Appendix 1
Proposed increase charges for Abandoned Shopping Trolleys– Appendix 2
Current charges for Abandoned Shopping Trolleys– Appendix 3

7. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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Abandoned Trolley Policy

1. Introduction

- 1.1. Abandoned shopping trolleys can make an area look run down, contribute to littering, antisocial behaviour, cause harm to wildlife and create a flood hazard in waterways.
- 1.2. This policy is related to trolleys abandoned within the Cambridge City Council boundaries, and includes trolley's that are abandoned in water courses. It excludes trolley's left within the perimeters of supermarket premises and car parks.
- 1.3. This policy only applies to abandoned trolleys on public land.

2. Objectives

- To seek an improvement in the visual street environment by the prevention and reduction of unsightly abandoned trolleys deposited in the city; and
- To ensure that powers contained within the legislation to tackle abandoned trolleys is applied fairly and consistently.

3. Legislation

- 3.1. Section 99, Environmental Protection Act 1990 enables the Council to introduce powers under Schedule 4, which apply to any land in the open air, to deal with abandoned shopping and luggage trolleys.
- 3.2. Under Schedule 4, Section 99 Environmental Protection Act 1990 the Council may seize and remove trolleys it considers to be abandoned. Property of this nature can be stored at a place it thinks fit to do so.
- 3.3. Debts recoverable by the Council in accordance with Schedule 4, Section 99 Environmental Protection Act 1990 will be payable on demand and recovered as a debt due.

4. Policy

- 4.1. Reports of abandoned trolleys should be made to the Council's Customer Service Centre on 01223 458282 or wasteandstreets@cambridge.gov.uk or directly to the Enforcement team at streetenforcement@cambridge.gov.uk.
- 4.2. Reports of abandoned trolleys (not in dangerous locations) will be passed to relevant store via their prescribed contact method (email, phone or fax) and the store given until 5pm the following day in which to collect the trolley(s).
- 4.3. Trolleys abandoned in the following dangerous locations or situations will be seized without notification to the store:
 - Children's play areas;

- On the carriageway;
 - In a street with high footfall;
 - In a watercourse;
 - As part of fly-tip / loaded with rubbish; or
 - In areas of high anti-social behaviour.
- 4.4. Trolleys not collected by 5pm the day after notification will be seized by the Council. The Council is required to keep the trolley for a period of six weeks after seizure. At the end of that period, it becomes the property of the Council, who may sell or otherwise dispose of the trolley and seek to recover the associated costs.
- 4.5. If a trolley is seized and is identifiable to a store, notice will be served on the owner of the trolley within 14 days. The Notice will state that the council has removed it, details of where it is stored and that the council may dispose of it if not claimed within 6 weeks.
- 4.6. If a trolley is not claimed (by the established owner) charges for recovery, storage and disposal will be made, unless the owner can prove that it is not theirs.
- 4.7. The charges set are required to be sufficient to cover the cost of removing, storing and disposing of trolleys. In the case of multiple stores, the charge will be applied to the closest retailer that is identified as owning the trolley.
- 4.8. Where trolleys are claimed by stores, arrangements will be made for the store to collect their trolleys. This may be done in batches rather than by individual trolleys.
- 4.9. Stores using trolleys within Cambridge will be contacted on an annual basis for up to date contact details and to remind them of this policy.

5. Policy Notes

- 5.1. This policy will be reviewed every four years, unless changes to legislation dictate otherwise.
- 5.2. Charges will be reviewed annually, in line with operational costs.

The document is owned by, and will be reviewed by:

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Appendix 2 - Proposed New Charges for Abandoned Trolleys in Cambridge



1. Trolleys collected by store or contractor by 5pm following notification – no charge

2. Council collection and delivery of trolley back to store:

- Collection and return of trolley to store £42.00
- Administration £21.00

- Cost £63.00 per trolley

3. Council collection and storage of trolleys:

- Collection of trolley £30.00
- Storage £18.00 per trolley per week or part week

- Administration £21.00
- Disposal £3.00 per trolley

- Cost if claimed within first week £69.00 per trolley

- Cost if claimed within second week £87.00
- Cost if claimed within third week £105.00
- Cost if claimed within fourth week £123.00
- Cost if claimed within fifth week £141.00
- Cost if claimed within sixth week £159.00
- Cost if claimed disposed of after 6 weeks £162.00

Appendix 3 – Current Charges for Abandoned Shopping Trolleys in Cambridge



Collection of trolley	£25
Storage	£17.50 per trolley per week or part week
Administration	£20
Disposal	£2.00 per trolley
Claimed within first week	<u>£62.50 per trolley</u>
Claimed within second week	£80.00
Claimed within third week	£97.50
Claimed within fourth week	£115.00
Claimed within fifth week	£132.50
Claimed within sixth week	£150.00
Disposed of after 6 weeks	£152.00