

ABANDONED SHOPPING TROLLEYS

1. INTRODUCTION

- 1.1 This report sets out the legal background and policy options for dealing with abandoned shopping trolleys within the District. Recent changes in legislation mean that the Council can, if it wishes, take formal action to deal with the problems they can cause. At the meeting of the Council held on 30 October 2006, (minute 43 refers) Cllr D Harrison moved the following motion standing in his name:

“That this Council resolves to use powers under the Clean Neighbourhoods and Environment Act 2005, to more effectively tackle the problem of the abandoned shopping trolleys in areas of the New Forest where this is a continuing problem.”

It was subsequently resolved that under the provisions of Standing Order 41, the motion be referred to the Cabinet. The views of the Environment Review Panel have been sought in order to inform the discussion by the Cabinet.

- 1.2 In general, Supermarkets in the New Forest take a responsible attitude with regard to abandoned shopping trolleys. They normally do their best to make sure that shopping trolleys are regularly gathered up and returned to the store. Some problems occur where the supermarket does not have a dedicated car park, but otherwise the nuisance caused by abandoned shopping trolleys is relatively low. That said, there are issues from time to time with abandoned shopping trolleys in certain locations, such as Ringwood, Lymington, Dibden and Totton.

2. ABANDONED SHOPPING TROLLEYS

- 2.1 Although the numbers of abandoned shopping trolleys in the New Forest are probably quite small, the nuisance that these cause can be significant. Abandoned shopping trolleys can be left on the pavement causing an obstruction to pedestrians, abandoned in car parks or on the highway causing a danger to vehicles, left on open land where they can attract litter or dumped in watercourses where they may disrupt the flow of water which could lead to flooding.
- 2.2 There are a range of supermarkets in the New Forest. Many of these stores take a proactive approach to abandoned shopping trolleys for example using deterrent paving and coin deposit locks.
- 2.3 Although the majority of local supermarkets take effective action to prevent the abandonment of shopping trolleys, there is still the opportunity for irresponsible or careless people to remove and abandon shopping trolleys.

3. SEIZURE AND STORAGE OF ABANDONED SHOPPING TROLLEYS

- 3.1 Stronger legal powers are now available under Schedule 4 of the Environmental Protection Act 1990. These enable a local authority to seize, store and dispose of abandoned shopping and luggage trolleys found in its area. The provisions allow for the costs of removing, storing and disposing of abandoned trolleys to be recovered from their owners. Amendments made by the Clean Neighbourhoods and Environment Act 2005 have improved the ability for local authorities to reclaim these charges by making any sum payable as a charge, recoverable as a debt.
- 3.2 The Local Authority powers apply to any shopping or luggage trolley that is found by an authorised officer on 'any land in the open air' (including watercourses), and that appears to them to be abandoned.
- 3.3 Certain types of land are excluded from the provisions of the schedule, namely:
- i) Land on which the owner of the trolley has a legal interest.
 - ii) Land used for off street parking where facilities are provided for leaving shopping trolleys that have been used by customers.
 - iii) Other land designated by the Local Authority for the purpose of providing trolley parking facilities.
 - iv) In relation to luggage trolleys only, land used for transport undertakings for which luggage trolleys may be provided, e.g. railways.

If the abandoned trolley is found on land owned by a third party, consent must be sought from that 3rd party. Alternatively the Local Authority may serve a notice giving fourteen days, following which, if no objection is received, the trolley can be removed.

- 3.4 After the Local Authority has seized and removed any abandoned trolley it must keep the trolley for six weeks before it may sell or otherwise dispose of the trolley.
- 3.5 Fourteen days after seizure the Local Authority must serve a notice on the owner of the trolley (after making reasonable enquiries to ascertain who they are) giving details of where it is being kept and that the Authority may dispose of it if it is not claimed. The Local Authority may charge to return the trolley and if the owner does not pay the charges the Local Authority may retain the trolley and subsequently dispose of it.
- 3.6 The Local Authority may set charges that are sufficient to cover the cost of removing, storing and disposing of shopping or luggage trolleys, including administrative costs, staff time, collection and delivery and physical storage space. Such costs must be regularly reviewed.
- 3.7 The Local Authority may agree a trolley collection scheme with persons who own shopping or luggage trolleys in its area and where such agreements are made the Local Authority may not charge costs for any trolleys within the scheme that they recover.

4. ADOPTION OF SCHEDULE 4

4.1 Section 99 of the Environment Protection Act 1990 sets out the procedure for adopting Schedule 4.

4.2 In summary the Local Authority must consult with:

‘the persons or representatives of persons who appear to the authority to be persons who will be affected by the application of Schedule 4’

This should include:

- (i) retailers known to be providing a trolley service in that area and/or representative bodies such as the British Retail Consortium, the Association of Town Centre Management and the Association of Convenience Stores.
- (ii) rail, tram, road transport or airport operators known to be providing a trolley service in that area.

It may also wish to seek the views of the following:

- (iii) other businesses and landowners that may be affected by trolley abandonment, local residents and community groups (this may be done by providing details of the proposal in local newspapers, local authority newsletters, etc and inviting comments).
 - (iv) the Local Chamber of Trade and Commerce.
 - (v) the Environment Agency.
 - (vi) the Police.
 - (vii) Town and Parish Councils.
- 4.3 Following on from the consultation there is a requirement to make a resolution, this has to state the date on which the Schedule 4 controls will come into force, being not less than three months from the date on which the resolution is passed. This resolution may be taken by the Cabinet.
- 4.4 There is a requirement to publish notice of the resolution in at least one local newspaper, indicating the general effect of the adoption of the Schedule.
- 4.5 From time to time the Council must consult on the operation of Schedule 4 in its area with those affected by it. Local Authorities are advised to review the operation of the Schedule at least every five years, and monitor the number of trolleys recovered under the schedule. As part of the review they should consider whether adequate steps are being taken to reduce the number of abandoned trolleys. Earlier review may be necessary if there is significant change in circumstances.
- 4.6 The Council may now wish to adopt the new powers to deal with the problems caused by abandoned shopping trolleys. The next stage would be for the Council to consult the stakeholders listed in Section 4.2. Local stakeholders would include the supermarkets and Town and Parish Councils.

5. CRIME AND DISORDER IMPLICATIONS

- 5.1 Abandoned shopping trolleys can sometimes be a cause of anti social behaviour. It is important for supermarkets to prevent the unauthorised removal of shopping trolleys as their abandonment could cause a nuisance.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 Abandoned shopping trolleys are a blight on the local environment. When shopping trolleys are abandoned on open land they can sometimes exacerbate existing litter problems. When shopping trolleys are abandoned in watercourses, they can disrupt the flow of water, harm wildlife and, in extreme cases, could lead to flooding.

7. FINANCIAL IMPLICATIONS

- 7.1 The new powers described in Section 3 allow the Council to make a charge for the return of abandoned shopping trolleys to the supermarkets. It is anticipated that the charges that may be levied by the Council will go some way to recovering the additional costs of seizing and storing abandoned shopping trolleys. The Council will also need to identify an area of secure storage for this to be implemented correctly. These aspects of the proposal will require further research prior to the consultation exercise, should it be decided, in principle, to proceed.

8. EQUALITY AND DIVERSITY IMPLICATIONS

- 8.1 There are none arising directly from this report.

9. VIEWS OF ENVIRONMENT REVIEW PANEL

- 9.1 The Environment Review Panel debated this issue in some detail at their meeting held on 29 March 2007. At that time they were also made aware of specific problems being experienced in Ringwood, and that, as a consequence, Ringwood Town Council had requested that urgent action be taken. The Panel resolved as follows:
- (a) That the Cabinet be recommended to initiate a formal period of consultation, as required by Section 99 of the Environmental Protection Act 1990, regarding the possibility of applying Schedule 4 of the Act to control abandoned shopping trolleys in the New Forest District;
 - (b) That should they agree to proceed with the consultation exercise, further research be carried out on the financial and practical operational issues identified in Report B, to inform the consultation process;

- (c) That a further report be prepared detailing the outcome of the consultation exercise, in due course, and setting out proposals, as appropriate. These would include a proposed charging regime and associated financial implications; and
- (d) That Ringwood Town Council be advised of the action being taken, but also of the constraints that apply leading up to any decision to adopt the powers in Schedule 4.

10. PORTFOLIO HOLDER COMMENTS

- 10.1 The Environment Portfolio Holder supports the approach outlined in the report in that consultation be undertaken with interested stakeholders, town and parish councils and supermarket representatives.

11. CONCLUSION

- 11.1 The numbers of abandoned shopping trolleys in the New Forest is probably relatively small. In spite of this, the problems caused by these abandoned trolleys can be significant. Abandoned shopping trolleys can cause problems for pedestrians and for vehicles, can attract litter and can harm the environment.
- 11.2 The Council is now able to adopt new powers to tackle the problem of abandoned shopping trolleys. Before these powers can be adopted, the Council must consult local stakeholders such as supermarkets and Town and Parish Councils. It is concluded that it would be opportune to undertake such a consultation exercise.

12. RECOMMENDATION

- 12.1 That a formal period of consultation be initiated, as required by Section 99 of the Environmental Protection Act 1990, regarding the possibility of applying Schedule 4 to control abandoned shopping trolleys in the New Forest District.
- 12.2 That further research be carried out on the financial and practical operational issues identified above, to inform the consultation process
- 12.3 That a further report be prepared detailing the outcome of the consultation and settling out proposals, as appropriate. These would include any proposed charging regime and associated financial implications.

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Background Papers:

None