

<b>13 July 2022</b>		<b>Item: 13</b> <b>Decision: 110616</b>
<b>Cabinet</b>		
<b>Abandoned Trolley Cost Recovery Policy</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key	
<b>Report of:</b> Councillor Andrew Jefferies – Cabinet Member for Environment and Air Quality		
<b>Accountable Assistant Director:</b> Daren Spring – Assistant Director for Street Scene and Leisure		
<b>Accountable Director:</b> Julie Rogers – Director for Public Realm		
<b>This report is Public</b>		

## **Executive Summary**

Abandoned shopping trolleys blight the local environment and can lead to further littering and fly-tipping. There are approximately 20 shopping trolleys a day that have been abandoned on our streets and housing estates in Thurrock, equating to over 400 shopping trolleys per month.

The Council can adopt statutory powers that would enable them to collect abandoned shopping trolleys and luggage trolleys from land open to the public, return them to the owner and recover the Council's reasonable costs of doing so. If a scheme is not put in place with the stores and the trolleys are not collected the Council can recover full costs for their collection, storage and disposal.

This policy statement provides details of the relevant legislation, outlines the proposals and provides information on the resource implications. The report also sets out the requirement for a formal consultation and seeks support to recommend to Cabinet the adoption of the relevant statutory powers.

### **1. Recommendation:**

**1.1 That Cabinet approve the initiation of the process for the adoption of the new abandoned trolley cost recovery policy, as recommended by the Cleaner, Greener and Safer Overview and Scrutiny Committee.**

### **2. Introduction and Background**

- 2.1 Shopping trolleys of all descriptions, but mainly supermarket shopping trolleys, are routinely found abandoned across the Borough. Up to 400 are taking a long time to be collected or are remaining uncollected. Shopping trolleys are also the subject of complaints from residents. Abandoned trolleys not only look unsightly but can be left in roads creating traffic hazards. Abandoned trolleys on housing estates can attract anti-social behaviour including fly tipping and generally detract from the local environment.
- 2.2 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.
- 2.3 The Council also relies on the goodwill of local stores recovering their own trolleys, in many cases they have a contract with Trollywise to collect and return their trolleys and put measures in place to prevent them from being taken out of the environs of the store in the first place.
- 2.4 The council's Environmental Enforcement Service may issue a Community Protection Warning [CPW] and Notice [CPN] in accordance with section 48 Anti-Social Behaviour Act 2014 for abandoned trolleys.

### **3. Relevant legislation and application**

- 3.1 Section 99 of the Environmental Protection Act 1990 - [Environmental Protection Act 1990 \(legislation.gov.uk\)](#)  
  
Schedule 4 of the Environmental Protection Act 1990 - [Environmental Protection Act 1990 \(legislation.gov.uk\)](#)
- 3.2 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.

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.

3.3 The Clean Neighbourhoods and Environment Act 2005 (CNEA) further amended the Environment Protection Act 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.

3.4 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).

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

Where a retailer agrees a scheme with Thurrock Council, a set fee of £85 is recommended to have the trolleys returned to store.

## **4 Reasons for Recommendation**

4.1 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. 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.

4.2 The above enforcement powers are only available to the Council if it formally adopts schedule 4 of the Environmental Protection Act (1990). 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.

## **5. Consultation (including Overview and Scrutiny, if applicable)**

5.1 As required we will consult with people who'll be affected before we start removing trolleys and from time to time. This usually includes:

- local retailers who offer trolleys to their customers
- representative bodies, for example, the British Retail Consortium, the Association of Town Centre Management and the Association of Convenience Stores
- local residents
- rail, tram, road transport or airport operators who provide trolleys
- local police
- the Environment Agency

5.2 This report was presented at Cleaner, Greener and Safer Overview and Scrutiny Committee on the 14 June 2022. The committee supported the adoption of the new Abandoned trolley cost recovery policy.

## **6. Impact on corporate policies, priorities, performance and community impact**

6.1 This relates to the corporate priority – Green Environments that everyone has reason to take pride in.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Laura Last**  
**Senior Management Accountant**

There will be a small initial cost to set up the scheme, administer it and to store the trolleys, this however should be able to be achieved within current staffing numbers and budgets. There will also be an income to the council at the start of the collection and charging process which is predicted will drop off to a lower level once the stores are compliant.

### **7.2 Legal**

Implications verified by: **Mark Bowen**  
**Interim Head of Legal Services**

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 Thurrock 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 the area. In deciding whether to adopt the provisions. Before reaching a decision section 99(3) of the Environmental Protection Act 1990 requires consultation with certain organisations and individuals and the Cabinet 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.

### 7.3 **Diversity and Equality**

Implications verified by: **Roxanne Scanlon**  
**Community Engagement and Project  
Monitoring Officer**

There are no equality and diversity implications arising from this report.

### 7.4 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children

- N/A

### 8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- N/A

### 9. **Appendices to the report**

- **Appendix 1** – Wording for the consultation letter to retailers

### **Report Author:**

Vincent Taylor

Strategic Lead – Clean and Green Services

Public Realm

## Appendix 1 – Wording for the consultation letter retailers

Dear Site/Store Manager,

### **Formal Consultation on Thurrock Council proposals to deal with abandoned shopping & luggage trolleys.**

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

Thurrock 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](http://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 Thurrock. Abandoned trolleys are simply collected and dealt with as waste. Thurrock 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 Thurrock Council would seek to recover the costs of recovery, storage and disposal of abandoned trolleys from the trolley owners in the future. The costs proposed below reflect the actual costs of collection, administration, storage, staff costs and overheads.

Collection fee	£70.00
Admin fee	£35.00

Storage fee	£15.00 per week (maximum 6 weeks)
Disposal fee	£35.00

Where a retailer agrees a scheme with Thurrock to have the trolleys returned to store for a set fee £85 is recommended

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 2022**.