

Leicester
City Council

WARDS AFFECTED
All

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

Cabinet

17 June 2002

Abandoned Shopping Trolleys

Report of the Corporate Director of Environment, Regeneration and Development

1. Purpose of Report

To recommend to Cabinet that the City Council adopts the provisions relating to abandoned shopping trolleys contained within the Environmental Protection Act 1990.

2. Summary

The Environmental Protection Act contains powers allowing local authorities to deal with abandoned shopping and luggage trolleys. However, these powers are discretionary and before they can be used the local authority must pass a resolution that these powers apply to its area.

Leicester City Council has made no such resolution to date. However, in view of persistent problems with abandoned trolleys in the Beaumont Leys area, together with similar problems developing in Hamilton and other areas of the city, it is proposed that these powers are now adopted on a city-wide basis. The City Council has consulted on this proposal, as required by the Act, and no objections have been received.

3. Recommendations

- a) That Cabinet resolve to adopt the provisions relating to abandoned shopping trolleys contained within Section 99 and Schedule 4 of the Environmental Protection Act 1990 on a city-wide basis with effect from 17th September 2002;
- b) That, until such time as these powers come into effect, officers, in consultation with the Head of Legal Services and the relevant cabinet leads, review the need for any interim measures to address any local problems with abandoned shopping trolleys;
- c) That the Corporate Director of Environment, Regeneration and Development assumes responsibility, under delegated powers, for the implementation of these powers once they come into effect.

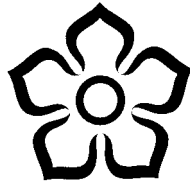
4. **Headline Financial and Legal Implications**

There are no significant financial implications associated with the adoption of these powers. In relation to the implementation of these powers, the Act requires that local authority charges must be sufficient to cover the annual of cost removing, storing and disposing of abandoned trolleys; i.e. the scheme is intended to be self-financing.

The Director has correctly identified the appropriate statutory power in the Environmental Protection Act to deal with this problem. The preliminary procedural requirements have been compiled with and the report identifies when the powers available under the EPA will come into force. As the statutory provisions are absolute, I consider that the suggested interim measures strike the appropriate balance in terms of lawfulness.

5. **Report Author/Officer to contact:**

Adrian Russell
Ex. 7295



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SUPPORTING INFORMATION

1. Report

The Environmental Protection Act contains powers allowing local authorities to deal with abandoned shopping and luggage trolleys. However, these powers are discretionary and before they can be used the local authority must pass a resolution that these powers apply to its area.

The main provisions are summarised below:

- The powers apply to shopping trolleys found on any land in the open air that appear to be abandoned. They do not apply if the trolley is on land owned or occupied by the owner of the trolley, or to off-street parking or other designated areas containing facilities for customers to leave trolleys there.
- Local authorities may seize and remove abandoned shopping trolleys, but must notify the owner of trolley as soon as reasonably practicable (but not later than 14 days).
- The local authority must keep the shopping trolley for a period of six weeks, so as to enable the owner to claim to the trolley, after that, the local authority may sell or dispose of the trolley.
- There is on the local authority, in the case of a trolley where ownership is not clear, an obligation to make reasonable enquiries to ascertain who actually owns the trolley and, if that becomes known, to tell the owners where it is.
- The local authority is required to deliver the trolley to the owner, subject to any local authority charges being paid on demand. Local authority charges must be sufficient to cover the annual cost of removing, storing and disposing of abandoned trolleys. Charges cannot be made where the local authority has entered into a trolley collection scheme with the owner of shopping trolleys, and the scheme is being complied with.

In addition to the provisions relating to consultation, Section 99 of the Act also requires that the local authority must publish in at least one newspaper circulating in its area a notice informing that a resolution has been passed. Also, the local authority must allow a minimum period of three months between passing a resolution and the new powers coming into effect.

In view of persistent problems with abandoned trolleys in the Beaumont Leys area, together with similar problems developing in Hamilton and other areas of the city, the City Council consulted on the proposal to adopt these powers, as required by the Act. It is proposed that these powers are adopted on a city-wide basis so as to have in position appropriate powers should the situation deteriorate elsewhere in the city. Letters were sent to approximately 20 supermarkets and warehouses in the City using trolleys in the course of their business explaining the background to the issue and the effect of the powers if adopted. Any representations were requested within a four week period. Only one written representation has been received, from Tesco Stores Limited, though this does not specifically object to the adoption of these powers by the City Council.

It is therefore recommended that a resolution is made adopting the provisions relating to abandoned shopping trolleys contained within the Environmental Protection Act 1990 on a city-wide basis with effect from 17th September 2002.

The most serious problems with abandoned shopping trolleys have been experienced with Tesco trolleys in the Beaumont Leys area of the city. In response to the consultation letter, Tesco's reply outlined their position in relation to this problem. They advised that they are committed to preventing complaints over abandoned trolleys and have introduced a wheel lock system to their trolleys. However, the system was not fully operational around the bus stop and petrol filling station areas because of some confusion with their contractors and the need for licence from the City Council for works on the highway. They further explained that until such time as the new system was fully operational, they would work with the City Council to minimise problems with abandoned trolleys. Reference is made to a short-term arrangement whereby the company would concentrate its resources on "hot spots" identified by officers.

The City Council's Mowmacre Neighbourhood Housing Manager has confirmed an agreement with Tesco whereby the Housing Department would collect abandoned trolleys in the Stocking Farm, Mowmacre and Abbey Rise area, in return for Tesco concentrating their attentions on the Bluegates, Pitchens Close and Ipswich Close areas of Beaumont Leys. These arrangements were generally considered to be effective as far as the city council housing areas were concerned, though there appeared to have been a recent deterioration in their effectiveness.

It is therefore proposed that officers of the two Departments involved meet with senior representatives of Tesco to identify a means of addressing the problems in the Beaumont Leys and Hamilton areas of the city. The adoption of the abandoned shopping trolleys powers contained within the Environmental Protection Act should serve to demonstrate the City Council's commitment to tackling this problem. However, should these discussions fail to secure a rapid improvement in the situation, the City Council will consult with Head of Legal Services, to identify any sanctions that can be imposed during the statutory three month intervening period before the new powers come into effect.

It is proposed that the Corporate Director of Environment, Regeneration and Development will assume responsibility, under delegated powers, for the implementation of these powers once they come into effect. It is difficult to identify the operational arrangements (and the resource implications) associated with these new powers at the present time, as this is largely dependent on the future scale of these problems. However, the basic modus operandi of these provisions are largely prescribed by the Act and appear to be designed so as to be self-financing.

FINANCIAL, LEGAL AND OTHER IMPLICATIONS

1. Financial Implications

There are no significant financial implications associated with the adoption of these powers. In relation to the implementation of these powers, the Act requires that local authority charges must be sufficient to cover the annual of cost removing, storing and disposing of abandoned trolleys; i.e. the scheme is intended to be self-financing.

2. Legal Implications

The Director has correctly identified the appropriate statutory power in the Environmental Protection Act to deal with this problem. The preliminary procedural requirements have been compiled with and the report identifies when the powers available under the EPA will come into force. As the statutory provisions are absolute, I consider that the suggested interim measures strike the appropriate balance in terms of lawfulness.

3. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	Yes	The adoption of these powers will improve the ability of the City Council to address the problems of abandoned trolleys in the local environment.
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	

4. Background Papers – Local Government Act 1972

The Environment Act 1900

Letter from Tesco Stores Limited, dated 5th April 2002.

5. Consultations

Neil Rouse, Mowmacre Neighbourhood Housing Manager
Head of Legal Services

6. Report Author

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