

**Report of:** City Works Business Manager

**To:** Executive Board

**Date:** 3 December 2007

**Item No:**

**Title of Report :** Abandoned Shopping and Luggage Trolleys

### Summary and Recommendations

**Purpose of report:** To outline the procedure for amending Section 99 and Schedule 4 of the Environmental Protection Act (1990) as amended by Section 99 of the Clean Neighbourhoods and Environment Act 2005

**Key decision:** No

**Portfolio Holder:** Councillor Jean Fooks

**Scrutiny Responsibility:** Environment

**Ward(s) affected:** All

#### Report Approved by

**Portfolio holder:** Councillor Jean Fooks

**Legal:** Jeremy Thomas

**Finance:** Emma Burson

**Strategic Director:** Sharon Cosgrove

**Policy Framework:** None

#### **Recommendation(s):**

That approval be given for formal, statutory consultation to be carried out with a view to the future adoption of the power to deal with abandoned trolleys under the Environmental Protection Act (1990) Section 99 and Schedule 4.


#### **Background**

1. Whilst the City Council constantly strives to improve environmental standards one problem in many neighbourhoods is caused by shopping trolleys which have been taken from their original sites and abandoned in

the surrounding community. When abandoned these trolleys become a blight on the quality of the local environment. They cause harm to wildlife and may cause a flood hazard when dumped in watercourses.

2. Abandoned trolleys have always been an issue for the Council and have historically been dealt with on an ad-hoc basis. The adoption of the powers is an opportunity for the Council to further enhance its enforcement measures and take a pro-active stance to effectively deal with the issue of abandoned trolleys.
3. The Council would seek to recover the costs of collection, storage and disposal of abandoned trolleys from relevant trolley owners in the future. The costs per trolley will reflect the costs of collection, administration, storage, staff costs and overheads.

### **Process of adoption**

4. Schedule 4 of the Environmental Protection Act 1990 allows a local authority to seize, store and dispose of abandoned shopping and luggage trolleys found (by an authorised officer) in its area.
5. Section 99 sets out the procedure whereby a local authority may resolve that schedule 4 will apply in its area  follows:-
  - It is the duty of a local authority, before making any resolution for the application of schedule 4 in its area, to consult with the persons or representatives of persons who appear to the authority to be persons who will be affected. The statutory guidance recommends consultation with retailers, other businesses and landowners that may be affected such as local residents and community groups, the local chamber of trade and commerce, the Environment Agency and the Police.
  - After the consultation a resolution may be made, in the light of the results of the consultation, stating the date on which it will come into force (being not less than 3 months from the date on which the resolution is passed).
  - A notice must be published in at least one local newspaper indicating the general effect of the adoption of the schedule.
6. There is a requirement to, from time to time, review the operation of schedule 4 with those who are affected and local authorities are advised to review the situation at least every five years to see if the number of abandoned trolleys has reduced.
7. There are certain types of land which are excluded from the provisions and where land is occupied then the consent of the land owner must be obtained before a trolley is removed. In the alternative a notice can be served of the intention to remove a trolley.

8. Any trolley seized must be kept for 6 weeks after which time it can be sold or disposed of - a notice must be served on anyone who appears to be the owner of a trolley seized and removed as soon as reasonably practicable and at least within 14 days. Any such notice must contain certain information such as the powers relied on and where the trolley can be claimed. The council is required to deliver the trolley to the owner within the 6 week period if it is claimed. The Council would not be able to dispose of a trolley which hasn't been claimed without making reasonable enquiries as to ownership.
9. Amounts which can be claimed to cover the removal storage and disposal of a trolley can be recovered as a debt.
10. The council should on adoption of the legislation set a standard charge, within the terms of the legislation, sufficient to cover the costs of removing storing and disposing of abandoned trolleys. This should be based on the average cost including administrative costs, staff time, collection and delivery and physical storage space. The costs must be regularly reviewed. The proposed level of fees should be included in the initial consultation on the proposed adoption of the legislation and adequate publicity given.
11. If a trolley collection scheme is set up by agreement with persons who own shopping or luggage trolleys within the area then the local authority may not charge costs.

#### Recommendation

12. That approval be given for formal, statutory consultation to be carried out with a view to the future adoption of the powers to deal with abandoned trolleys under the Environmental Protection Act (1990) Section 99 and Schedule 4

#### **Name and contact details of author:**

Colin Bailey/Philip Dunsdon  
City Works  
Oxford City Council  
Marsh Road  
Oxford OX4 2HH

Tel: 01865 252901/252958



**Background papers:** None

