

Report of: Head of City Works
To Executive Board
Date: 17th March 2008 **Item No:**
Title of Report : Abandoned Shopping and Luggage Trolleys

Summary and Recommendations

Purpose of report: To report on the consultations carried out prior to the adoption of Section 99 and Schedule 4 of the Environmental Protection Act (1990), (as amended by Section 99 of the Clean Neighbourhoods and Environment Act 2005), as requested by Executive Board on 3rd December 2007

Key decision: No

Portfolio Holder: Councillor Jean Fooks

Scrutiny Responsibility: Environment

Ward(s) affected: ALL

Report Approved by:

Portfolio Holder – Councillor Fooks

Legal – Lindsay Cane

Finance – Andy Collett

Interim Executive Director – Tim Sadler

Policy Framework: This report contributes to the priority to improve Oxford's environment, economy and quality of life.

Recommendation(s):

1. That the Authority adopt the Powers to deal with abandoned trolleys under the Environmental Protection Act (1990) Section 99 and Schedule 4.
2. That the Authority, on adoption, set a charge of £65.00 to cover the costs of removing, storing and disposing of abandoned trolleys.
3. That the powers commence not less than 3 months from the date that the resolution is passed.

4. That trolley owners are informed of the resolution, which will also be published in at least one local newspaper.

1. Further to the Executive Board decision taken on 3rd December 2007 a statutory consultation was carried out from 7th January 2008 to 8th February 2008.
2. The results of the formal consultation carried out following the Executive Board's resolution of 3rd December 2008 are as follows:
3. All local users of shopping and luggage trolleys received a written correspondence of the Council's intentions to adopt the powers and were asked to reply within the timescales set out above. In addition key stakeholders were also engaged as part of this process.
4. As a result of the consultation with wider stakeholders, acknowledgements were received from.
 - The Environment Agency
 - Thames Valley Police
 - Network Rail
5. Representations were received from the following organisations:
 - **Lidl Oxford** – have introduced a “gatekeeper” system, for environmental and cost reasons, which prevents customers removing trolleys from the store perimeter.
 - **Sainsbury's** – would welcome the opportunity to work with this authority and will send out employees or contractors to collect trolleys once informed of their location.
 - **Matalan Retail Ltd** – Matalan are in the process of fitting locking devices which will reduce trolley theft. They have also indicated that they would like to enter into an agreement with the Authority regarding the collection of abandoned trolleys
 - **Somerfield** have stated that they are making their own arrangements for a trolley collection system with a company called 'Trolley Collection Services plc' ,
 - **Tesco** are looking at the feasibility of putting a daily trolley collection service in place.
 - **Iceland** are also looking at the feasibility of putting a daily trolley collection service in place.
6. Copies of all the above representations are attached in Appendix B

Considerations

7. It appears from the consultation that many stores are planning to introduce a system of trolley collection.

8. As a requirement of the Act, the Council must notify the owner of the trolley and allow a reasonable period for them to make their own arrangements for the removal.
9. The location of the abandoned trolley would be notified to a designated representative of the trolley's owner who would be informed that it must be collected within 24 hours. Should the abandoned trolley not be collected within this timeframe then it will be seized by City Works and the relevant charge applied.
10. Officers have drawn up a system to be followed where reports of abandoned trolleys have been received. A flowchart is attached (Appendix A) outlining the proposed procedure.
11. The powers allow full recovery of expenditure incurred through the process ensuring that there are no cost implications to the authority

Recommendations

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- 3) That the powers commence not less than 3 months from the date that the resolution is passed.
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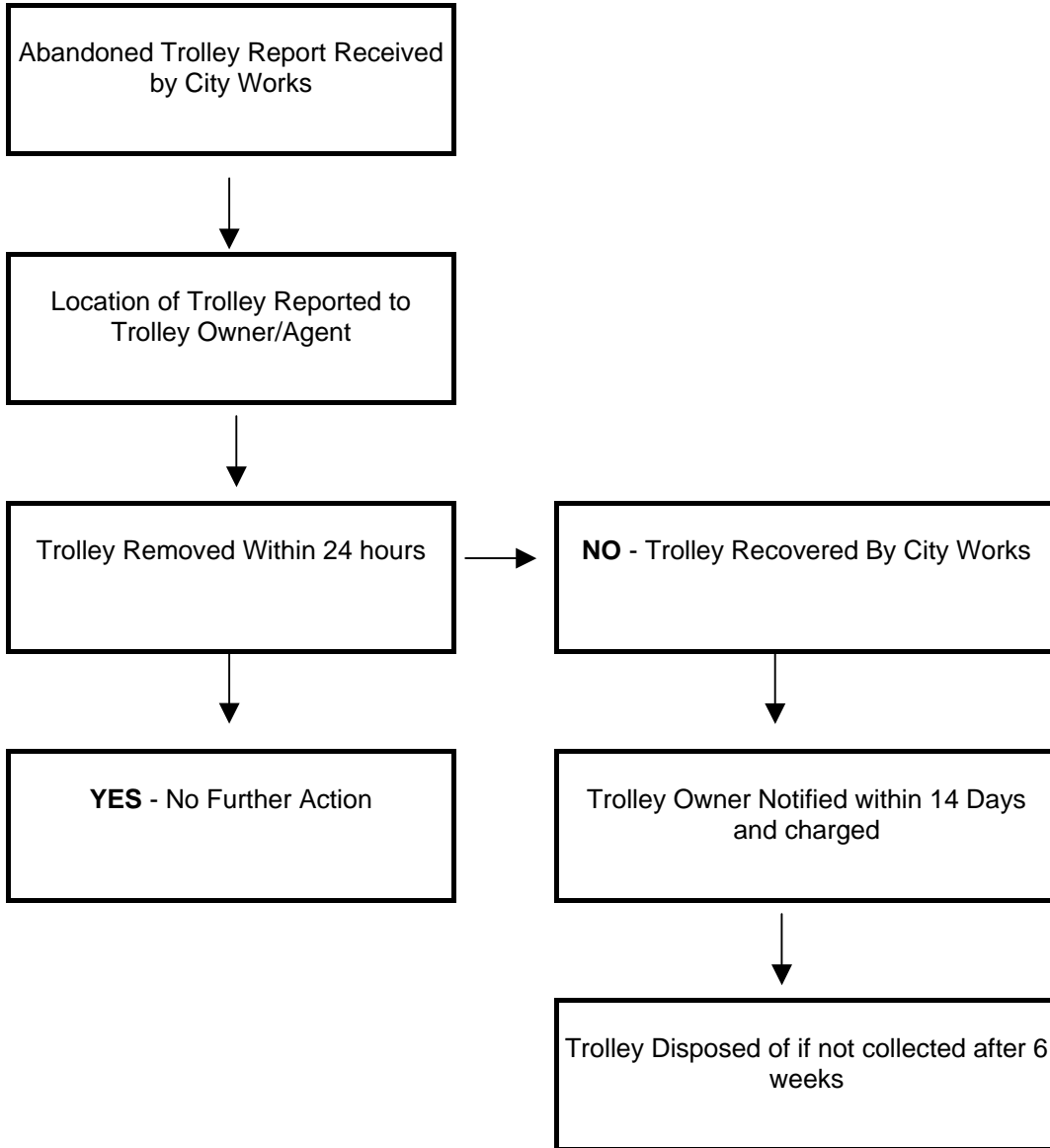
Name and contact details of author:

David Walker, City Works Tel: 01865 252937 Email: dwwalker@oxford.gov.uk

Background papers: None



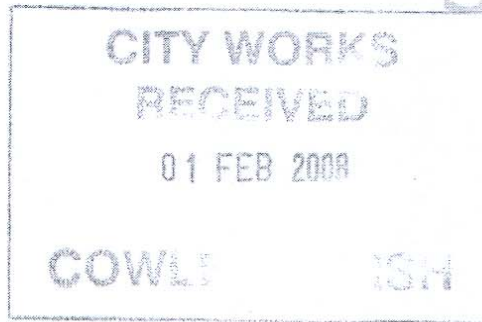
Proposed Procedure



30 January 2008

Our ref:
Your ref:

Mr Colin Bailey
Head of City Works
Oxford City Council
Marsh Road
Cowley
Oxford



Sainsbury's Supermarkets Ltd
33 Holborn
London
EC1N 2HT

Telephone 020 7695 6000
Fax 020 7695 7610
www.sainsburys.co.uk

Dear Mr Bailey

Sainsbury's Supermarkets Ltd
Abandoned Shopping and Luggage Trolley

I write in reference to the above matter and your letter dated 8 January 2008.

We employ contractors to collect trolleys near many of our stores as well as sending colleagues out to recover trolleys when we are made aware of them. If we are notified then we are able to recover trolleys as quickly as contractors working for the local authority and at a small fraction of the cost. We would greatly appreciate the opportunity to do this.

My understanding of the act is that it allows local authorities to recover the costs incurred in the collection/ storage of trolleys so I am sure the Council would be equally happy for Sainsbury's to make the collections. Thus avoiding the need for the Council to instruct contractors to collect the trolleys and store the trolleys, all the time incurring costs which need to be claimed back from ourselves.

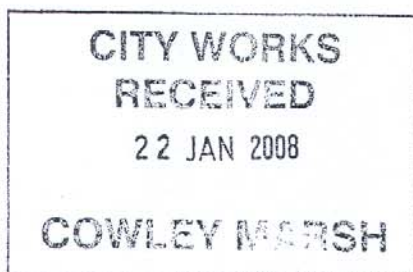
Unfortunately the wider community and Sainsbury's are regularly victims of anti social behaviour and this includes the dumping of trolleys. We remain keen to ensure these trolleys do not cause any damage to the environment by collecting them as soon as is practicable and without incurring unnecessary charges.

Yours sincerely

Simon Tisdall
Regulatory Affairs Advisor
Legal Services

Appendix B - Representations

Colin Bailey
Cowley Marsh Facility
Marsh Road
Cowley
Oxford
OX4 2HH



Lidl Ltd
19 Worples Road
Wimbledon
London
SW19 4JS

Telephone: 020 8971 4724
Facsimile: 020 8971 4761
healthandsafety@lidl.co.uk

Date: 21 January 2008

Our Ref: MEAS/HS/054
Your Ref: None

Dear Mr Bailey,

Lidl Oxford

Thank you for your letter dated 8th January 2008 with regards to abandoned trolleys.

As a food retail company we are aware of how easy it is for trolleys to "disappear" from our premises and the implications that are associated with abandoned trolleys. For environmental factors and also for cost reasons we have a "gatekeeper" system implemented at this particular store. This system means that customers cannot remove our trolleys from the car park / store perimeter.

By doing this it reduces the cost for us to keep replacing trolleys and also ensures that trolleys are not left abandoned around Oxford City.

Should you have any further queries regarding this matter, please do not hesitate in contacting me on the number detailed at the top of this letter.

Assuring you of our best intentions at all times

Yours sincerely

Melissa Smallshaw
Trading Law Manager



9th November 2007

For the Attention of Colin Bailey

Subject – Collection of Tesco Shopping Trolleys from Council / Local Authority Storage Facility.

LETTER OF AUTHORITY

This letter authorises employees of our agent and service provider; Trolley Collection Services to collect impounded customer shopping trolleys from any local authority or Council storage facility on behalf of Tesco Stores Ltd and return to the designated local Tesco store or indeed to an alternative location as instructed by Tesco Property Services Operations Manager.

Thank you for your co-operation regarding this matter. If you have any queries about this please do not hesitate in contacting Naseeb Ghera – (Contact details below)

Yours sincerely,

Naseeb Ghera

For and on behalf of Tesco Stores Ltd

Tesco Stores Ltd
Cirrus House
Building B, 1, A,
Shire Park
Welwyn Garden City
Hertfordshire
AL7 1AB

Tel : 07739-078713

E-mail : Naseeb.Ghera@uk.Tesco.com

WALKER David W [Cleansing]

From: Steve Rowe [control@trolley-tcs.co.uk]
Sent: 07 February 2008 16:38
To: WALKER David W [Cleansing]
Subject: RE: Abandoned Trolleys
Follow Up Flag: Follow up
Flag Status: Red

Dear David,

We operate a full 7day service, consisting of a daily sweep with motorized vehicle, the only day we do not work is Christmas Day. Any trolleys reported to us are collected within 24hours and returned back to the owners. There is no charge to the council whatsoever, scheme is funded by the stores.

We represent all the major supermarkets except Sainsburys, however we will return these trolleys during the trial period back to the store free of charge.

Please see below for contact details of councils we have worked with recently to set up successful trolley collection schemes:

Leeds City Council

Graham Wilson
 0113 39 51501
graham.wilson@leeds.gov.uk

Bristol City Council

Denise James
 0117 922 4726
denise.james@bristol.gov.uk

Ellesmere Port & Neston Borough Council

Angela Chambers
 0151 356 6741
angela.chambers@epnbc.gov.uk

I hope this helps you, If we can be of any further assistance, please do not hesitate to contact us.

Kind Regards,

Steve Rowe

Trolley Collection Services PLC

Telephone: 01392 882210
 Facsimile: 01392 882099
 email: control@trolley-tcs.co.uk

--- Disclaimer ---

This is a confidential email. TCS may monitor and record all emails. The views expressed in this email are those of the sender and TCS.

From: WALKER David W [Cleansing] [mailto:dwwalker@oxford.gov.uk]
Sent: 07 February 2008 16:09
To: Steve Rowe
Cc: Naseeb.Ghera@uk.tesco.com
Subject: RE: Abandoned Trolleys

Dear Steve,

I have now been contacted by Tesco regarding trolley collections.

I presume that you intend to introduce a scheme for collecting trolleys.

08/02/2008

MATALAN

Colin Bailey
Head of City Works
Oxford City Council
Cowley Marsh Facility
Marsh Road
Cowley
Oxford
OX4 2HH

7 February 2008

Your Ref:

Our Ref: MTPT

Dear Mr. Bailey,
Environmental Protection Act 1990 ("the 1990 Act")

Thank you for your letter of 8 January 2008.

I have been asked to reply to your letter, explaining the steps which Matalan Retail Limited is already taking to address this problem, and proposing that the Council and Matalan Retail Limited conclude an agreement pursuant to Paragraph 4(2) of Schedule 4 to the 1990 Act.

We are currently in the process of procuring and fitting appropriate locking devices to the shopping trolleys used at our Oxford Store. These will primarily be coin-operated locks, which we have found to be highly effective in reducing thefts of shopping trolleys in other locations. We expect to have completed this process within the next eight to ten weeks.

This additional equipment obviously involves us in additional expense which we have already begun to take on a voluntary basis. Given this, we hope that the Council will agree to enter into an agreement with

Matalan Retail Limited
Registered Office: Gillibrands Road, Skelmersdale, West Lancashire WN8 9TB
VAT No. 534 5886 16 Registered in England No. 2103564

LEGAL DEPARTMENT

us pursuant to paragraph 4 (2) of Schedule 4 of the 1990 Act. We propose that this agreement specify that:

1. Matalan Retail Limited will ensure all shopping trolleys provided at our Oxford Store are fitted with locking devices from no later than 7 April 2008;
2. Matalan Retail Limited will at its own expense collect from Oxford Council any shopping trolleys seized by Oxford Council pursuant to Schedule 4 of the 1990 Act; and
3. Oxford Council will waive any charges it would otherwise be entitled to levy pursuant to Schedule 4 to the 1990 Act for the return of Matalan Retail Limited shopping trolleys.

I hope it is clear from this letter that we wish to work with Oxford Council to address this problem, and I would welcome the opportunity to discuss this matter and our proposal with you at your earliest convenience.

Yours sincerely,



Matthew Taylor

Legal Department

For and on behalf of Matalan Retail Limited

Direct Line: 01695 55 1265

Fax: 01695 55 2622

E-mail: taylor_matt@matalan.co.uk