

Crawley Borough Council

Report to Overview and Scrutiny Commission 19 November 2018

Report to Cabinet 21 November 2018

Abandoned Shopping Trolleys

Report of the Head of Community Services – HCS/10

1. Purpose

- 1.1 The purpose of this report is to outline the issues associated with abandoned trolleys, describe how the Borough is affected and for the Council to resolve to adopt the relevant powers under Section 99 and Schedule 4 of the Environmental Protection Act 1990.

2. Recommendations

- 2.1 To the Overview and Scrutiny Commission:

That the Commission consider the report and decide what comments, if any, it wishes to submit to the Cabinet.

- 2.2 The Cabinet is recommended to:

- a) Resolve to adopt the statutory powers under Section 99 and Schedule 4 of the Environmental Protection Act 1990 so that they apply to the Borough from the 22 February 2019.
- b) Delegate authority for this function to the Head of Community Services, including the consequential steps required to implement the powers, the fixing of charges and review of how the powers are implemented. (*Generic Delegations 3 and 4 will be used to enact this recommendation*).

3. Reasons for the Recommendations

- 3.1 There are reports of abandoned trolleys across the whole of the Borough. While the Council addresses this matter it bears the full costs associated with the work.
- 3.2 Adoption of the powers in the Environmental Protection Act 1990 provides the Council with a simple means to deal with abandoned shopping trolleys and abandoned luggage trolleys. Furthermore, it allows the Council to recover the costs in so doing whether or not the owner seeks to have them returned or not.
- 3.3 The proposal aims to incentivise trolley owners to take action rather than punish them for failing to do so.
- 3.4 Experience from other authorities is that this is an effective solution as it resulted in a significant reduction in the number of abandoned trolleys.

4. Background

- 4.1 The Council has relied on retailers to implement measures to prevent shopping trolleys from being removed from their stores and their good will to patrol for and retrieve abandoned trolleys.
- 4.2 Some retailers subscribe to the Trolleywise scheme which will arrange collections on a regular basis. It should be emphasised that while this is positive not all retailers subscribe to it. Furthermore, for those that do subscribe the frequency of patrol is dependent on the price paid for the service. It is believed that the most frequent regular service is twice per week and possibly as low as once per week.
- 4.3 The Council response is by the Neighbourhood Service Patch Teams who are responsible for maintaining the public land. Where they find uncollected trolleys they either collect and return them to the store; contact the store to arrange collection; or if the owner cannot be identified dispose of them. Presently, all costs associated with this are borne by the Council.
- 4.4 As a result of expressions of concern about the proliferation of abandoned shopping trolleys and reports by the Neighbourhood Services teams that uncollected trolley numbers were increasing they undertook a survey in July 2018 to establish whether or not there was a local problem.
- 4.5 Instead of resolving the issue as they would normally, trolleys were tagged and left in situ. The results were that there were 76 instances of abandoned trolleys, some remaining in place for several weeks. Only a very few trolleys were observed on private land, the land worst affected being that managed by the Council, for example roads, verges, pavements, public open space and playing fields.
- 4.6 Section 99 and Schedule 4 of the Environmental Protection Act 1990 (EPA 1990) as amended by the Clean Neighbourhoods and Environment Act 2005 contains provisions that, upon adoption, gives the local authority power to remove and charge for any activities that it has to undertake in collecting and disposing of shopping trolleys and luggage trolleys found on any land in the open air that appear to be abandoned. The Council had previously adopted the use of the powers but these lapsed in 2009 with an amendment to the legislation.
- 4.7 The definition of trolley in the legislation includes both shopping and luggage trolleys. There is no indication that luggage trolleys give rise to a local problem.
- 4.8 Abandoned trolleys can't be collected from specific categories of land. The exemptions are where land is:
 - owned by the trolley owner, for example a supermarket car park
 - designated for use as trolley storage, for example on shopping parades
 - used for transport where luggage trolleys are provided, for example the airport
 - used for off-street parking and there are facilities for shoppers to leave their trolleys in the parking area, for example in parade car parks
- 4.9 Uncollected trolleys can only be removed from private land where the owner gives permission or after the service of a notice on the owner and no objection is received.
- 4.10 The charge levied is due whether or not the owner seeks to have the trolleys returned to them or not. Costs for disposal of trolleys that cannot be attributed to a specific owner can also be incorporated into the recharging mechanism.
- 4.11 The process of adopting the powers involves consulting with interested parties; making a resolution to apply the powers to the local authority area (having had regard to the consultation responses); and placing a public advertisement in a local newspaper. The

powers cannot come into effect any sooner than three months after the date of the resolution. On the basis that it is resolved to adopt the powers then the earliest that the council can exercise the powers is the 22 February 2019.

- 4.12 The simplest way to implement the scheme is for the Neighbourhood Service Patch Teams to continue their collections but recover their costs. Customers who wish to report an abandoned trolley will continue to be directed to the store or the Trolleywise website as appropriate. Prior to commencement of any scheme further engagement would occur with the outlets to encourage them to improve practices prior to the commencement date. The proposed charges are contained in Appendix 3.

5. Description of Issue to be resolved

- 5.1 Abandoned shopping trolleys look unsightly and can be left in roads causing traffic hazards, block pavements causing obstruction to pedestrians, become a focus for flytipping of waste, block watercourses, attract anti-social behaviour and help to normalise anti-social behaviour in an area.
- 5.2 The general appearance of an area, including but not exclusively, abandoned trolleys can help people to perceive an area as less attractive and less safe. There have been a number local press reports over the last five years in relation to this.
- 5.3 The problem is a general one as it affects the whole of the Borough. There are locations where it is more prevalent, particularly around the retail areas. However, trolleys can be found at some distance from the store that owns it. The issue is persistent, that is, it occurs throughout the year and shows no seasonality.
- 5.4 The Council bears the financial cost of collection, return and disposal of uncollected trolleys. This also prevents completion of other environmental improvements.
- 5.5 The intention of the introduction of a scheme and charges is that it will provide a strong deterrent effect encouraging supermarkets and retail outlets to ensure that they employ methods to prevent their trolleys being taken off site and from being left uncollected. Where they are left uncollected then the Council will be able to act swiftly to protect the amenity of the area.

6. Information & Analysis Supporting Recommendation

- 6.1 The decision to pursue this was initiated based on reports from elected members about the presence of abandoned trolleys; feedback from the Council Patch Teams about an increase in trolleys; and a simple street survey to confirm whether there was an existing issue or not.
- 6.2 The results of the survey supported the anecdotal evidence. The results are shown in Appendix 1. There were a total of 76 trolleys identified as abandoned by the end of the four week monitoring period with 14 remaining in the location for at least one week. (These figures are believed to be conservative).
- 6.3 In considering whether to adopt the powers, information was gathered from other local authorities who had implemented the scheme. All authorities reported that they had seen a significant improvement. These include comments from officers at Islington Council, Halton Council, Tunbridge Wells Borough Council and Horsham District Council. Wrexham Council reported that due to the success of the scheme it was no longer necessary and the powers had subsequently lapsed.

- 6.4 To adopt the powers it is necessary to consult with any person who might be affected by a scheme. A six week consultation commenced on the 31 August 2018. In accordance with central government guidance and the legislation views were sought from the organisations that might provide trolleys for customers to use, for example supermarkets, the airport and the rail operator. Additionally the Environment Agency, Police, public and organisations representing business such as the Manor Royal Business Improvement District (B.I.D.) and the Crawley Town Centre Partnership were contacted.
- 6.5 There were no responses from the Police, Environment Agency or any of the supermarkets or independent retailers.
- 6.6 The Crawley Town Centre Partnership and the Manor Royal B.I.D. expressed support for the scheme.
- 6.7 Gatwick Airport Ltd provided verbal comment expressing support for the proposal; highlighted the blocking of watercourses which in turn gave them land management issues; the importance of a good appearance of the town to attract business and visitors.
- 6.8 There were 139 responses to the public consultation. People had often come across abandoned trolleys, mostly on Council maintained land and the majority considered that the supermarkets should be responsible for the costs of dealing with abandoned trolleys and that the council should adopt the powers. A more detailed summary is in Appendix 2.
- 6.9 The respondents were also asked a series of questions about reporting abandoned trolleys and their experience in so doing. Generally people who had reported abandoned trolleys to the supermarket or the Trolleywise scheme were not very confident that the matter would be dealt with. Just under half said that it made no difference and the trolley remained.
- 6.10 The consultation also resulted in approximately 60 comments on social media. It is not possible to identify how many people participated in making comments.
- 6.11 The themes from the social media responses varied. A number of comments concerned matters outside Crawley Borough Council control such as crime and disorder, West Sussex County Council decision to reduce funding for homeless shelters and provision for on street parking. Directly relevant themes included fining the people who removed the trolleys and concern that any new costs will be passed on to shoppers. There was both support and opposition to the proposal, but of the posts it appears that on balance there was less support than demonstrated in the survey. Many of the comments seem to be predicated on the Council fining the supermarkets. This is not the proposition, the proposal is to recover the expenditure incurred by the Council in the absence of an effective means of control and collection by the supermarket.
- 6.12 During the consultation period it also became apparent that high volumes of trolleys are left abandoned and uncollected in some of the Council car parks. This was estimated to be between 60-90 per month having an impact on the provision of parking, safety and parking attendant time.
- 6.13 In summary there was no comment from the supermarkets but support was expressed by representatives of business organisations and Gatwick Airport Ltd. The public survey was overwhelmingly in favour but the social media comments less so (although these have less statistical weight than the survey). The trolley survey indicated that there were numerous abandoned trolleys and other authorities report that the introduction of a scheme works well. Those local authorities contacted reported significant improvements upon implementation of the scheme.
- 6.14 In deciding whether to adopt the provisions, the Cabinet should consider and take into account the responses received to the consultation.

The options considered include:

- 6.14 **Continue as is.** This option has been discounted because it relies on the Council services to collect, securely store and make arrangements to return trolleys on behalf of the trolley owner. The tax payer bears the cost which should be upon the trolley owner. There is no incentive for the trolley owner to change what they do, if anything, as the council are collecting trolleys, they could do less. This is viewed as unsustainable.
- 6.15 **Do nothing.** As was observed by the survey, when the council took no action, trolleys accumulated and were left uncollected. Upon cessation of the survey and return to normal practice the numbers reduced. This option is viewed as unsustainable.
- 6.16 **Resolve to adopt the powers.** The proposed option does not criminalise the trolley owner. It provides an incentive to prevent trolleys being taken and abandoned otherwise fees will become due. It also allows the Council to intervene quickly to protect the Borough where it is necessary to do so and recover reasonable expenses for this activity. **This is the preferred option.**

7. Implications

- 7.1 Actual costs incurred will be recharged to the owners of the trolley. Under paragraph 4 of Schedule 4 to the Environmental Protection Act 1990, any charges that the Council wishes to fix, must be fixed at a level sufficient taking one financial year with another, to cover the cost of removing storing and disposal of trolleys
- 7.2 It is not considered that additional resources are required. The issue already creates demand which is currently absorbed within the provision of the Neighbourhood Services Patch Teams.
- 7.3 The adoption of the scheme will assist improve the visual aspect of the residential neighbourhoods and areas of commerce.
- 7.4 The legal implications for the adoption of these powers are set out in the Report.

8. Background Papers

Environmental Protection Act 1990

<https://www.legislation.gov.uk/ukpga/1990/43/section/99>
<https://www.legislation.gov.uk/ukpga/1990/43/schedule/4>

Clean Neighbourhoods and Environment Act 2005

<https://www.legislation.gov.uk/ukpga/2005/16/contents>

Government Information on the scheme:

<https://www.gov.uk/guidance/removing-abandoned-shopping-trolleys-council-powers>

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Appendix 1 – Survey results

During a four week period over the summer a simple survey of abandoned trolleys was undertaken. The survey was carried out on one day per week. This was repeated weekly for four weeks giving four sample days.

When an abandoned trolley was identified a uniquely numbered tag was applied to it to allow it to be identified..

The details of the date, time, location and trolley characteristics were recorded.

A total of 76 trolleys were tagged. 14 remained in the same location for at least a week or more. Geographically, West Green, Northgate, Broadfield, Langley Green and Southgate. Only four areas (Forge Wood, Furnace Green, Gossops Green and Three Bridges) had no trolleys reported.

Figure 1.1 Abandoned Trolleys By Neighbourhood

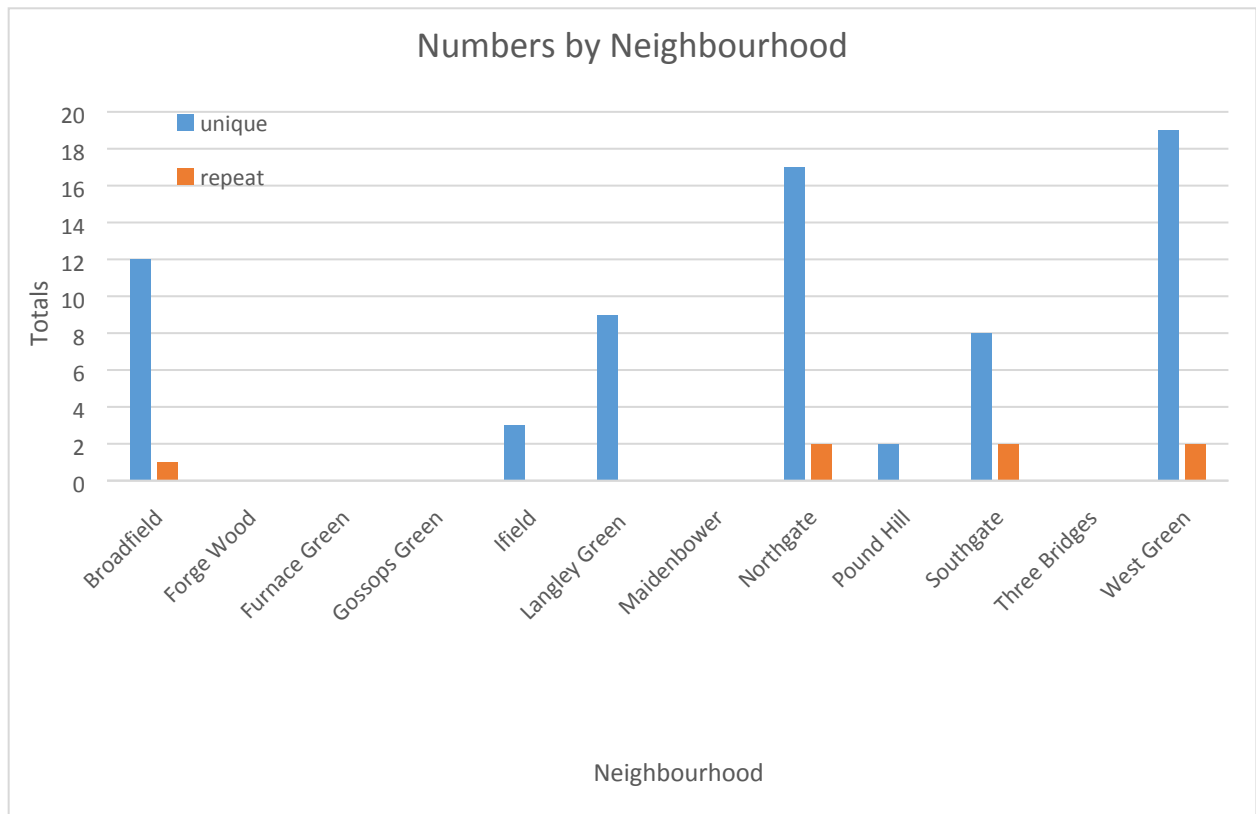
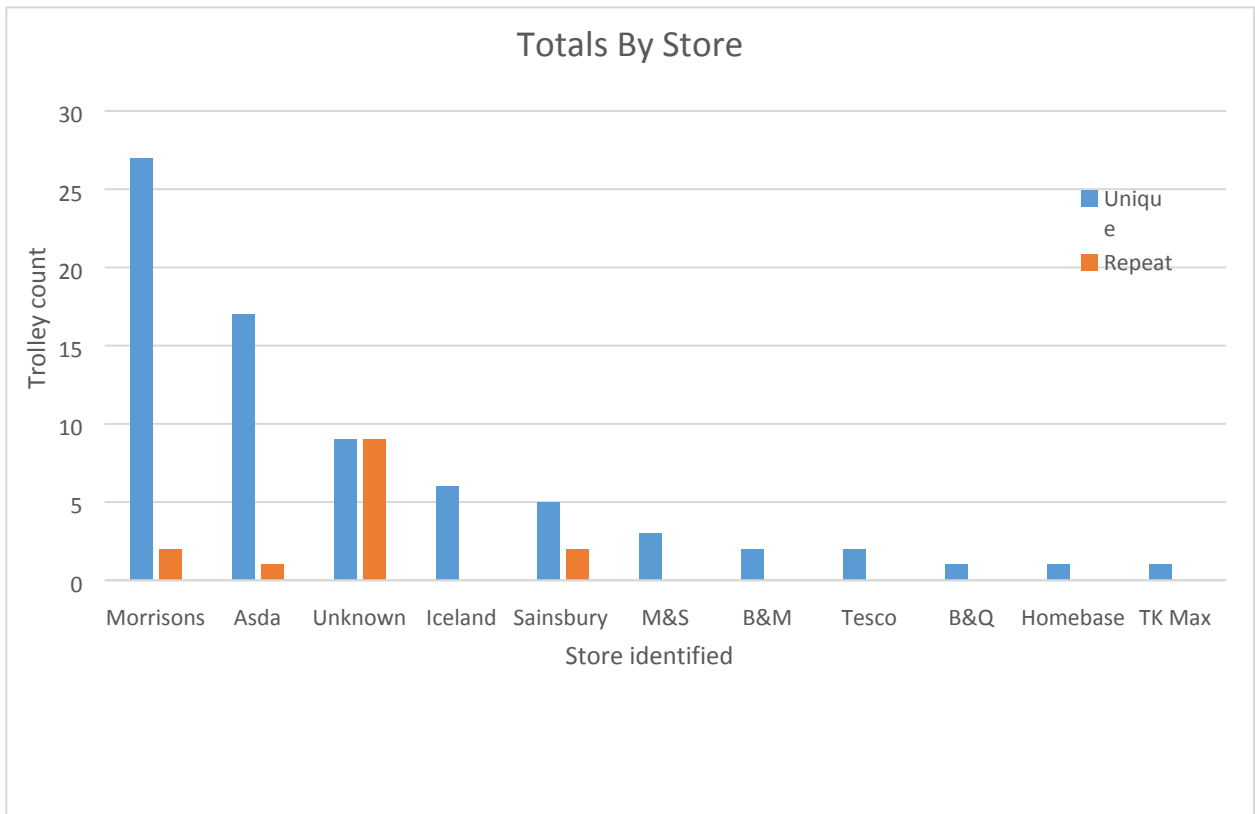


Figure 1.2 Trolleys Abandoned By Store



Appendix 2 Results of the public consultation

139 residents responded to an online consultation and survey about trolleys. A summary of the results is as follows:

- 79% have come across abandoned trolleys sometimes or every day in Crawley.
- Almost all the abandoned trolleys had been on footpaths or alleyways, pavements, green spaces or verges, i.e. almost all land for which the Council has some responsibility. Only 10% of sightings were in other locations (by number).
- The whole of Crawley is affected.
- The most frequently abandoned trolleys were reported as being Morrisons, Asda, Tesco and Sainsbury; the latter have less than half the number of Asda and Morrisons.
- 34 people had reported an abandoned trolley in the last 12 months, almost all to the supermarket or the Trolleywise Collection Scheme.
- 15 of the trolleys reported were from Morrisons. Eight were Asda. Three each from Sainsbury's and Tesco.
- Most people found it easy to report but were not confident that the matter would be dealt with.
- 52% reported that the trolley was removed after reporting.
- 66% of people thought the supermarkets should be responsible for the costs associated with abandoned trolleys.
- 71% agreed that the Council should adopt the powers whilst 23% were opposed.

Appendix 3

Summary of Proposed Charges for Abandoned Shopping Trolleys in Crawley

Council collection and storage of trolleys:

• Collection of trolley	£27
• Storage	£15 per trolley per week or part week
• Administration	£26
• Disposal	£10
• Cost if claimed within first week	<u>£68.00 per trolley</u>
• Cost if claimed within second week	£83
• Cost if claimed within third week	£98
• Cost if claimed within fourth week	£113
• Cost if claimed within fifth week	£128
• Cost if claimed within sixth week	£143
• Cost if unclaimed and disposed of after six weeks	£153

Notes

1. All charges are per trolley.
2. All charges are subject to VAT at the standard rate.
3. Where it is necessary to recover the debt then additional fees will become payable for cost recovery. In addition to any court fees then a further charge of £60 will be levied.
4. Charges are to be reviewed annually.