



**Prosperous Communities
Committee**

Date 1st May 2018

**Subject: Adoption of Schedule 4 of the Environmental Protection Act
1990 (Abandoned Trolleys)**

Report by:

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Purpose / Summary:

To present the results of a public consultation, and to outline the recommendation which will be made to Committee on the adoption of schedule 4 of the Environmental Protection Act 1990 (hereafter 'the EPA', or 'the Act') and the charges proposed, to apply in Gainsborough.

RECOMMENDATION(S):

Elected Members are asked to:

- a) Adopt Schedule 4 as per the proposal in appendix A to come into effect on the 17th August 2018.

IMPLICATIONS

Legal:

The provision for adopting this schedule is provided with the Environmental Protection Act 1990, schedule 4.

The legal requirements as stated in the Act have been complied with. Previous legal challenges in other areas of the country have not been upheld.

Financial : FIN/16/19

There is a proposed charge for each trolley collected of either £75/£100. The charge has been included in the fees and charges report for 2018-19, any income raised from the new charges will be credited to the cost centre. There is currently no budget built in to the cost centre for the trolley charge, this will be reviewed and implemented in 2018/19 once income levels have been analysed.

Staffing :

There are no staffing implications within this report.

Equality and Diversity including Human Rights :

No issues noted

Risk Assessment :

Climate Related Risks and Opportunities :

None noted

Title and Location of any Background Papers used in the preparation of this report:

None.

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1. Introduction

- 1.1. Reports of abandoned shopping trolleys in and around Gainsborough have been ongoing for a number of years. These reports are made by residents, elected members, waste services and other users of the Town.
- 1.2. Various methods have been considered in the past to try to resolve this but with no firm actions taken. The general approach has been for waste services to collect the trolleys and store them at the depot until the supermarkets collect them.
- 1.3. The visibility of abandoned shopping trolleys in the streets has a damaging effect on the amenity of the area, making it look neglected and untidy, as well as attracting dumped waste and fly tipping.
- 1.4. In August 2017 waste services recorded all trolleys collected in Gainsborough over a number of weeks. This showed that waste services were collecting up to 40 trolleys a week, most of which were located in Gainsborough South West Ward. This was not a proactive collection, just those picked up in day to day work. This level of work for the waste services team and lack of responsibility being taken by supermarkets was not considered sustainable or acceptable.
- 1.5. Officers have attempted to engage with the supermarket which is believed to be responsible for the majority of trolleys being collected. Attempts to come to a voluntary agreement to improve things in the area have failed. The idea of coin locks, physical barriers and regular collections were discussed and some agreements made, however after following up in writing none of these commitments came to fruition and the issue has continued.
- 1.6. A tally in February 2018, during the consultation period, saw 43 trolleys collected in one week showing that the problem is persistent and ongoing, and that, though opportunity has been given and the problem publicly highlighted, no steps have been taken to try to reduce the issue.

2. Legal Basis

- 2.1. Schedule 4 to Section 99 of the Environmental Protection Act 1990 gives councils the option to put in place a scheme that enables them to charge the supermarkets a fee for each trolley it has to collect. The legislation puts some regulations in around how the process must operate, including timescales that need to be followed and these have been covered in our proposed scheme.
- 2.2. The proposed scheme has been drawn up given the continuance of the issue and lack of engagement by supermarkets to help us resolve the situation informally.

2.3. The purpose of the proposed scheme is not to provide an income to the council or financially penalise the supermarkets, but to incentivise steps to prevent the trolleys being taken in the first place, and to cover costs to the council when trolleys have to be collected. This scheme has been used elsewhere in the country and has been hugely successful in reducing the numbers of trolleys being taken and abandoned.

2.4. The proposed scheme may be found at Annex A.

3. Consultation and outcome

3.1. The legislation requires consultation with those likely to be affected by introduction of the scheme. To cover this we have carried out a full public consultation, open for 6 weeks and available via our website, social media and in reception.

3.2. The story has also been covered extensively in local press, on local radio and TV. Elected members, the Town Council and other key stakeholders have been contacted directly by email with a link to the consultation documents.

3.3. All supermarkets offering shopping trolleys in Gainsborough, and their head offices, were contacted directly by post with a copy of the survey.

3.4. Two surveys were developed, one for supermarkets and one for everyone else. These were available electronically and in paper format.

4. Survey Outcomes

4.1. The results from the survey are shown below:

How does your shop currently try to prevent the theft of shopping trolleys?

Coin locks	12 responses	(63.2%)
Wheel locks	1	(5.3%)
Security guards	1	(5.3%)
Physical barriers	0	
No prevention	9	(47.4%)

Do you think the theft and abandonment of trolleys is an issue for your store?

Yes	13	(65%)
No	6	(30%)
Unsure	1	(5%)

Do you think WLDC should adopt schedule 4?

Yes	13	(65%)
No	7	(35%)
Unsure	0	

Do you agree with the proposed charges?

Yes	10	(50%)
No – should be lower	4	(20%)
No – should be higher	1	(5%)
No – no cost	5	(25%)

Survey for all other stakeholders

Are you?

A local resident	32	(97%)
An elected member (town, 0 District, county)	0	
A statutory agency	1	(3%)
Other:		
Work in Gainsborough	1	
Daily visitor	1	

Do you think abandoned shopping trolleys are an issue?

Yes	29	(82.9%)
No	4	(11.4%)
Unsure	2	(5.7%)

Do you think WLDC should adopt schedule 4?

Yes	27	(77.1%)
No	8	(22.9%)
Unsure	0	

Do you agree with the proposed charges?

Yes	20	(57.1%)
No – should be lower	2	(5.7%)
No – should be higher	6	(17.1%)
No – no cost	7	(20%)

4.2. Gainsborough Town Council completed the survey and also confirmed by email that its members had unanimously agreed to support the proposals.

4.3. There were a large number of comments included on both surveys; some show support for the scheme and others do not. A large number feel that more should be done against those who actually take the trolleys, however this may be something out of the control and influence of the council.

4.4. In some instances residents completed the survey which was designated for the supermarkets, therefore we are not able to establish the overall

perception of the supermarkets. Within the consultation period only two supermarkets responded, one was for the scheme and one against.

4.5. Overall, 83% of residents that responded felt that abandoned trolleys were an issue; 77% felt that the Council should adopt schedule 4 and 57% agreed with the proposed charges.

5. Other Information

5.1. By legislation the scheme cannot come in to force until a minimum 3 months after the date of agreement to adopt, therefore the recommended start date would be Monday 6th August 2018.

5.2. All supermarkets will be written to as soon as is practicable after the decision to adopt is made (if made), so that they have suitable time to prepare and take any steps they deem necessary to prevent the removal of trolleys from their store prior to charges coming in to force.

5.3. Internal processes will be developed to ensure compliance with the legislation and smooth running of the scheme.

5.4. Waste services will continue to collect the trolleys and enact the charging schedule and associated process should the order be made.

Appendix A – Proposed scheme

West Lindsey District Council Schedule 4 EPA 1990 scheme

Scope

Trolleys found abandoned in Gainsborough will be seized by West Lindsey District Council ('the council') and removed to the council depot in Gainsborough for storage.

Once a trolley has been seized the council will notify the owner, if identifiable, within 14 days. If the owner claims the trolley, the council will deliver the trolley back to the store once the payment for release has been made.

If the trolley is not claimed or payment not received the council will store the trolley for 6 weeks, after which the trolley will be disposed of. The owner will be charged for the costs of recovery, storage and disposal.

If no owner can be identified the council will store the trolley for 6 weeks, then dispose of it. The scheme will apply to all supermarkets who supply shopping trolleys in Gainsborough.

Charges

Our charges are set out below (stated fee is per trolley):

- | | |
|--|------|
| - Trolley recovered, claimed and paid for, and returned to store | £75 |
| - Trolley recovered, claimed but payment not received, trolley disposed of after 6 weeks | £100 |
| - Trolley recovered, unclaimed by owner, trolley disposed of after 6 weeks | £100 |
| - Trolley recovered, owner cannot be identified and no claim made, disposed of after 6 weeks | £0 |

Debtor invoices will be raised in all cases, and where payment is not received, the council will recover via civil debt recovery.