

SUBJECT: ABANDONED SHOPPING TROLLEYS
PORTFOLIO HOLDER: COUNCILLOR PHILIP SMART
DIRECTOR: JAMES FAIRCLOUGH
DATE: 24 NOVEMBER 2021
REF NO: PH/21/03

Key decision

Key decisions cannot be taken by portfolio holders unless:

- the decision is on the Forthcoming Decisions List or the urgency procedure has been complied with
- the report has been made available to the public for 5 clear days before the decision is taken.

Is this a key decision?	NO
If this is a key decision, is it on the Forward plan?	N/A
If this is a key decision, on what date was the report made available to public ? (decision cannot be taken for 5 clear days -- - effectively 6 working days)	N/A
If you do not want this report and the associated decision to be published on the website then please explain the reason why the report contains exempt information by completing the box to the right:	N/A

LIST OF BACKGROUND PAPERS

(papers relied on to write the report but which are not published and do not contain exempt information –

None

OTHER HELPFUL PAPERS

(papers which the report author considers might be helpful – this might include published material)

None

1. Introduction

- 1.1 Ipswich Borough Council has seen a marked increase in the amount of abandoned shopping trolleys reported across the Borough. Whilst the Waste and Cleansing Team addresses this matter it bears the full costs associated with the work. Currently any trolleys reported to the Waste and Cleansing Team are processed by officers and passed for collection by the Roundsmen. These trolleys are then repatriated to the owning supermarkets as soon as practicable.
- 1.2 Abandoned shopping trolleys look unsightly and can be left in roads causing traffic hazards, block pavements causing obstruction to pedestrians, become a focus for fly tipping of waste, block watercourses, attract anti-social behaviour and help to normalise this behaviour in an area. Abandoned trolleys can help people to perceive an area as less attractive and less safe.
- 1.3 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 them.
- 1.4 The Council can, following consultation, utilise powers under Section 99 and Schedule 4 of the Environmental Protection Act 1990 (the Act) that enable Ipswich Borough Council to fix charges to supermarkets for the seizure, storage and disposal of shopping trolleys.
- 1.5 Adoption of such powers would allow Ipswich Borough Council to recover the associated costs of recovering abandoned shopping trolleys within the Borough's controllable land whether or not the owner seeks to have them returned or not.
- 1.6 The definition of shopping trolley and abandonment are contained within the Act. Abandoned trolleys cannot 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 off-street parking and there are facilities for shoppers to leave their trolleys in the parking area, for example in parade car parks.
- 1.7 To adopt these powers a consultation process will need to be conducted to allow sufficient time for potentially impacted parties to reply and the responses considered by the Council. This is detailed in paragraph 5 of this report.

2. Background

- 2.1 To date Ipswich Borough Council has relied on local supermarkets to have measures in place for the prevention of trolley theft and abandonment, but some local supermarkets have demonstrated that it is more cost effective for them to pay for the recovery of a trolley that has left their site, rather than the cost of preventing it from being taken.
- 2.2 Officers report that measures aimed at improving “customer experience” has resulted in a reduction of onsite restrictions such as coin deposit systems in favour of contracts with Trolley recovery companies such as *Collex* and *Trolleywise*.
- 2.3 Whereas this is a positive measure aimed at repatriating abandoned trolleys and demonstrating a desire to be a good neighbour the frequencies of collections and the effectiveness of these contracts does still mean Ipswich Borough Council is asked by residents to collect trolleys.
- 2.4 Research from other local authorities shows the adoption of Section 4 powers under the Act can lead to a reduction in the number of abandoned trolleys.
- 2.5 Currently residents can report an abandoned trolley via the Ipswich Borough Council Website. This system is designed to steer the resident towards reporting via the supermarket’s chosen trolley collection supplier. If a trolley is not collected within 24 hours, or if the resident does not report it to the chosen supplier, the Borough Cleansing Team can be requested to collect the trolley. Trolleys are returned to Gipping House.
- 2.6 Following expressions of concern from Councillors, the Waste and Cleansing Department has monitored Trolley Reports. Cross referencing 2020 data with the year to date for 2021.
- 2.7 The information recorded by the Waste and Cleansing Service area outlines in July 2021 there was a marked and significant increase in reports of abandoned trolleys. This trend coincided with school holidays but continued into September, after the schools had returned. Additional comparative information is contained in Appendix 1 which is attached to this report.
- 2.8 It is proposed that the introduction of a scheme and charges will have a strong deterrent effect encouraging supermarkets and retail outlets to ensure that they employ methods to prevent their trolleys being taken off site first and foremost and employ checks to ensure trolleys are not being left uncollected. Where the trolleys are left uncollected then the Council will be able to act swiftly to protect the amenity of the area.

3. Policy Context

3.1 Building a Better Ipswich 2017 underlying principles:

- Priority 2- A sustainable Environment
- Priority 3- An Enjoyable place to live, work and study
- Priority 4- A healthy Community
- Priority 6- Safe Communities

3.2 The proposed adoption of powers will support the above priorities in the corporate plan by contributing to a high-quality environment and the reduction in anti-social behaviour across the town.

4. Performance Monitoring

4.1 Do nothing, the Supermarkets will to continue to utilise *Trolleywise* and *Collex* with Ipswich Borough Council collecting and repatriating trolleys at a cost to the Borough when that process fails or when a member of the public reports the trolley to IBC and not the organisations above.

4.2 Authorise consultation to be carried out as detailed in paragraph 5 below with a view, following consideration of the results of the consultation, to invoking the Council's powers under the Act to charge and deal with abandoned trolleys.

4.3 Adoption of the powers provides the Council with a simple means to deal with abandoned shopping trolleys. Furthermore, it allows the Council to recover the costs in so doing whether the owner seeks them returned or not.

5. Risk Management

5.1 In accordance with central Government guidance and legislation, views will be sought from organisations that might provide trolleys for customers to use and from the Environment Agency, Police, the public and organisations representing business such as Ipswich Central (B.I.D.) To adopt the powers, it is necessary to consult with any person who might be affected by a scheme. If the Council decides to consider adoption it is proposed a six-week consultation will commence mid-December 2021 and January 2022. Thereafter the results of the consultation will be presented in a further report to the Executive to consider and decide whether or not to invoke the use of its powers under the Act.

Risk Description	Consequence of risk	Risk Controls	Probability of risk occurring taking account of controls (scale 1-6) 1 – almost impossible 6 – very high	Impact of risk, if it occurred taking account of actions (scale 1 – negligible; 4 – catastrophic)	Actions to mitigate risk
Continued Liability to collect abandoned trolleys at public expense	Public Dissatisfaction. Use of Cleansing Budgets to supplement a service which could be self-sustaining	Approve proposed adoption of S99 S4 powers of EPA 1990	2	2	Implement powers S99 S4 EPA 1990
Lack of Public Support	Reputational damage.	Public Consultation	3	2	Strong Evidence based consultation . Powers adopted by other Councils
Lack of Business Support	Reputational Damage. Lack of cooperation	Public Consultation	4	2	Strong Evidence based consultation . Powers adopted by other councils.
Failure to secure cooperation with process or significant objections raised	Delays to process as a review and rework required	Public Consultation and strong evidence from other local authorities	4	2	Full and Well evidenced submissions to support request for powers.

6. Environmental Impact Assessment

- 6.1 The Council has declared a climate change emergency and has resolved to start working towards becoming carbon neutral by 2030. All Council decisions should take into account and respond to the potential impact that they will have on the climate and wider environment.
- 6.2 The EU Directive on Environmental Impact Assessment (EIA), as amended, requires that a formal assessment – including public consultation – is

undertaken for specified types of projects before they can go ahead. Direct and indirect environmental impacts should be identified and quantified. Where these are negative, actions to mitigate these impacts should be identified. Examples include impacts on land, water, air, noise, odour, biodiversity, energy, procurement, use of resources, climate change, etc. Whole life costing is an appropriate tool to use in assessments.

- 6.3 If, following consultation, the Council invokes the use of its powers under the Act it will enable the enforcement of acceptable standards of use and behaviour with regards to shopping trolleys and recover associated costs. It will also empower the Council to persuade local stores to take a proactive view on the impact of these items on the local environment.

7. Equalities and Diversity Implications

- 7.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.
- 7.2 The protected grounds covered by the equality duty are age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.
- 7.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the keyways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.
- 7.4 An Equalities Impact Assessment will be conducted at a later date if the Council decides to consult on the use of its powers under the Act and following the results of the consultation Executive is asked to consider the responses and whether it wishes to invoke the use of its powers to deal with abandoned trolleys.

8. Financial Considerations

- 8.1 There are no financial implications arising if the Council decides it wishes to consult on the use of its powers under the Act. If following consideration of the responses the Council decides it will utilise its powers it can charge for the seizure, storage and disposal of abandoned trolleys.
- 8.2 If the Council implements these powers, the Act requires that local authority charges must be sufficient to cover the annual cost of removing, storing and

disposing of abandoned trolleys; i.e. the scheme is intended to be self-financing.

8.3 Charges will be reviewed annually and cross referenced with costs of recovery, quantities recovered, and charges used by other local authorities for similar services.

8.4 Proposed Charges are detailed in Appendix 2.

9. Legal Considerations

9.1 The Council has the power under the Environmental Protection Act 1990 to deal with abandoned trolleys and charge for the cost of removal, storage and return or disposal of the trolleys.

9.2 The Council is required to consult and consider the responses to the consultation when considering whether to use its powers under the Act.

9.3 Any consultation conducted should be for an appropriate period of time and contain sufficient information to be meaningful to the consultees. The proposed period of 6 weeks is an appropriate time for consultation.

10. Performance Monitoring

10.1 Following consultation a further report will be prepared to consider the proposal to invoke the Council's powers to deal with abandoned trolleys and this report will detail the proposed performance monitoring.

11. Conclusions

11.1 The proposed consultation will seek responses from the public, the business community and other public authorities to enable the Council to decide whether to invoke the use of its statutory powers to seize, store and recharge for associated costs of abandoned shopping trolleys.

11.2 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.

11.3 Under the Act Ipswich Borough Council 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).

11.4 Ipswich Borough Council must keep the shopping trolley for a predetermined period, so as to enable the owner to claim to the trolley, after that, Ipswich

Borough Council may sell or dispose of the trolley. Where ownership a trolley is not clear, the Council must make reasonable enquiries to ascertain who actually owns the trolley and, if that becomes known, to tell the owners where it is. Ipswich Borough Council is required to deliver the trolley to the owner, subject to any charges being paid on demand. Charges must be sufficient to cover the annual cost of removing, storing and disposing of abandoned trolleys. Charges cannot be made where Ipswich Borough Council has entered into a trolley collection scheme with the owner of shopping trolleys, and the scheme is being complied with.

12. Recommendations

That the Portfolio Holder:

Authorises consultation on the use by the Council of its statutory powers in relation to abandoned trolleys as outlined in paragraph 5 of the report.

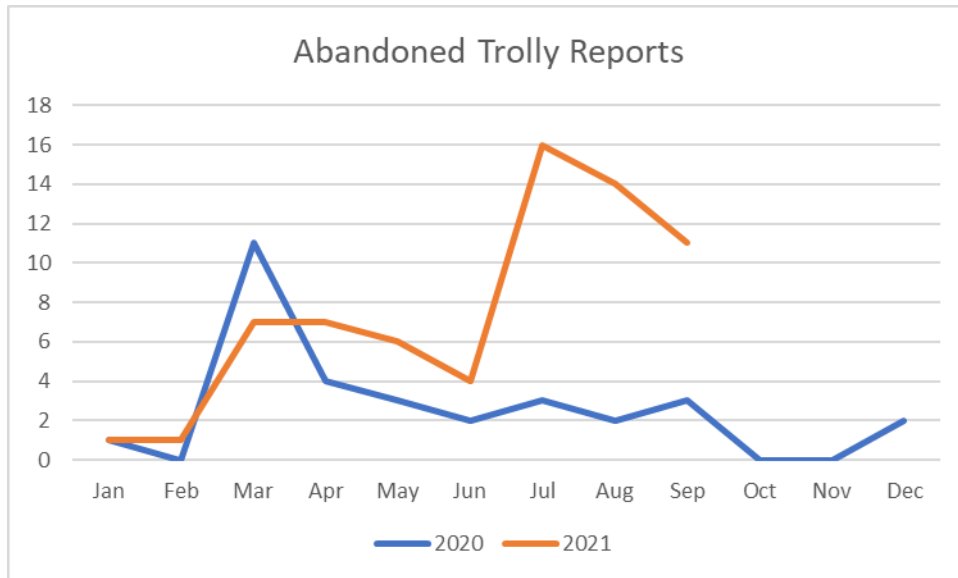
Reason:

To enable the Council to consider the responses to consultation and decide whether to use its powers.

Appendix 1.

Reports of abandoned shopping trolleys held by waste and Cleansing Service. September 2021 reporting of trolleys was made simpler with a dedicated tab on the IBC website.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2020	1	0	11	4	3	2	3	2	3	0	0	2
2021	1	1	7	7	6	4	16	14	11	-	-	-



Appendix 2.

Legislation allows Ipswich Borough Council to recover costs associated in dealing with shopping trolleys escaping from store confines. These costs will be recovered as a debt. Details of charges to be applied in respect of abandoned shopping trolleys are as follows;

- Owners of shopping trolleys seized by the council will be notified within 24 hours a seizure and will be offered the opportunity to collect their trolleys. A charge of £50 for the initial collection by the council will also be payable. A storage cost of £5 per day per trolley will apply.
- Owners can request the return of each trolley collected by the council for which a charge of £50 per trolley will apply. This shall be in addition to the collection and daily storage charge that shall be payable.
- Alternatively, Owners can request the Council notify their designated trolley collection supplier. Who will be required to collect from Council Depot. The collection cost of £50 will apply and a storage cost of £5 per day will still apply until the trolley is collected and an administration fee of £12 per report.
- The Council shall store shopping trolleys for a period of up to 6 weeks (42 days). Should the assumed owners, after having been informed of its whereabouts and having been given the option to recover a seized shopping trolley fail to do so, then the Council shall dispose of the trolley. In the event that the council disposes of a trolley that it has collected and stored, a charge shall be made to the assumed owner of £310 per trolley. This represents the cumulative cost of collection, storage and disposal.

Summary of Charges

- Collection by the council (including administration costs) – £50 per trolley.
- Storage (up to a maximum of 42 days) – £5 per day per trolley.
- Return to owner by the council (including administration costs) – £50 per trolley.
- Trolley disposal (including administration costs) – £50 per trolley.

RECORD OF DECISION

The law says that this form (or an equivalent) must be used in the following situations:

- any decision taken by an individual councillor
- a key decision taken by a council officer.

These types of decision are normally subject to call in. If you wish to exempt your decision from call-in on the grounds of urgency then paragraph 6 must be completed. If the decision is not urgent then paragraph 6 should be deleted.

1. List of documents considered.

Report PH/21/03 Shopping Trolley Management and Appendices

2. Summary of any other consultation

It's not necessary to include any consultation referred to in documents listed in 1.

3. Date of decision

24/11/2021

4. Decision

Authorises consultation on the use by the Council of its statutory powers in relation to abandoned trolleys as outlined in paragraph 5 of the report.

5. Reasons for decision

To enable the Council to consider the responses to consultation and whether to use its powers.

6. Alternatives considered and rejected

Do nothing - the supermarkets will continue to utilise "Trolleywise" and "Collex" with Ipswich Borough Council collecting and repatriating trolleys at a cost to the Borough when that process fails or when a member of the public reports the trolley to IBC and not the organisations above.

7. Conflicts of interest

Name of all Executive members who were consulted AND declared a conflict of interest	Nature of interest	Did Standards Committee give a dispensation for that conflict of interest? (if yes give details and date of dispensation)
None		

8. Exemption from call in

I certify that this decision is urgent and therefore exempt from call-in for the following reasons:

Not applicable.

Signed



[this must be signed by the decision maker or, if the decision is made by a Councillor then the Assistant Director of Governance may sign if they are authorised to do so by the Councillor concerned.]

This is a public document. A copy of it must be given to the Assistant Director for Governance as soon as it is completed.

FOR COUNCILLOR SERVICES USE :

Decision Reference:

PH/21/03

Title:

Abandoned Shopping Trolleys

This record of decision is

FOR PUBLICATION

The decision must be published unless it contains exempt information.

Date on which record of decision was published/Circulated to Councillors:

26/11/2021