

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**CABINET**

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**REPORT OF GROUP DIRECTOR ENVIRONMENTAL SERVICES**

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**ABANDONED SHOPPING TROLLEY POLICY**

**1 PURPOSE OF REPORT**

- 1.1 To invite Members to endorse the initiation of the consultation process for the introduction of an Abandoned Shopping Trolley Policy for Rhondda Cynon Taf, which aims to encourage retailers to ensure their trolleys are kept within the boundaries of their property.
- 1.2 To raise awareness of the problems caused by abandoned shopping trolleys within communities.

**2 RECOMMENDATION**

It is recommended that Members:

- 2.1 Approve the publication of the draft Abandoned Shopping Trolley Policy for consultation with all relevant retailers and landowners prior to the formal Resolution of the Council to adopt the scheme.

**3 BACKGROUND**

- 3.1 An area of growing concern is abandoned shopping trolleys. Since the introduction of the all Wales carrier bag charge in 2011, the number of abandoned shopping trolleys has increased across Rhondda Cynon Taf. Once abandoned they can have a negative visual impact on an areas, attract waste and litter, contribute to antisocial behaviour, cause harm to wildlife and create a flood hazard if abandoned in waterways.
- 3.2 Shopping trolleys originate from all the major supermarkets, large retailers, DIY stores and also several smaller retailers across Rhondda Cynon Taf. The cost to purchase a new shopping trolley can range from £100 to £180; therefore it is the retailer's interest to protect their assets. Some retailers have anti theft devices including coin operating trolleys and anti-locking devices on the trolley wheels. Some have no controls on their trolleys, which mean they can be left on the adopted highway, parks and water courses and across Council land.
- 3.3 Currently, shopping trolleys legally remain the responsibility of the supermarket. Any trolley collected by the Council cannot be sent for recycling

or disposal without an individual destruction certificate from the specific supermarket. The trolley should be returned to the supermarket. This makes it difficult for the Council to remove abandoned trolleys from our environment.

3.4 Due to the value of shopping trolleys, several of the main supermarkets use a contractor to collect their abandoned shopping trolleys. Once informed that a trolley has been identified as abandoned on the adopted highway, the company will retrieve the trolley. This can take from a few days to several weeks. This process is far from sufficient to meet the requirements of the Council to tackle the removal of abandoned trolleys from our environment because:

- Not all retailers use such contractors,
- Damaged trolleys may not be collected by the contractors,
- They only collect from streets,
- Trolleys containing waste or as part of a number of fly tipped items will not be collected by the contractor.

All of the above mean that abandoned trolleys remain uncollected for potentially long periods and can lead to further nuisance within communities.

3.5 Anti-theft devices on trolleys can be requested by the Council as part of a planning condition for new retail developments, but this can lead to a varying quality of anti-theft devices and does not address the existing retailers across Rhondda Cynon Taf.

3.6 Streetcare have engaged with several of the retailers whose shopping trolleys have been abandoned. There have been varying responses from the retailers and to date the problem is growing rather than reducing.

3.7 Under section 99 of The Environmental Protection Act 1990, the Council can resolve that schedule 4 of The Environmental Protection Act 1990 (as amended) will be applied in their area in order to tackle the problem of abandoned shopping trolleys. Schedule 4 allows a Local Authority to:

- Seize and remove abandoned trolleys;
- Store abandoned trolleys for a period of six weeks;
- Serve a notice on anyone who appears to be the owner informing them that the trolley will be disposed of if it is not claimed;
- Sell or dispose of abandoned trolleys after the six week period has expired;
- Make a charge on the retailer who appears to be the owner an amount to cover the removal, storage and disposal of the trolley.

3.8 The adoption of section 4 of this Act will allow the introduction of an Abandoned Shopping Trolley Policy (appendix A) to control and minimise the trolleys abandoned on council land. Streetcare Enforcement will support all Council service teams to tackle abandoned shopping trolleys and provide a timely response to remove abandoned trolleys. It will also provide a process that will allow the retailers sufficient opportunity to increase their ownership,

control of their assets and only penalise those that do not take sufficient preventative measures.

## **ISSUES**

### **4. RAISING AWARENESS OF THE NEW POLICY**

4.1. Prior to the commencement date, Rhondda Cynon Taf Council must carry out the following steps in the order specified:

- Write to all retailers known to be providing a trolley service in Rhondda Cynon Taf along with any other business and landowners that may be affected by the new Abandoned Shopping Trolley Policy.
- Resolve to adopt Schedule 4 of the Environmental Protection Act 1990. The resolution shall specify the date that the Schedule will come into force, which must not be before the expiration of the period of three months beginning with the day on which the resolution is passed.
- Publish details of the Council's decision to adopt Schedule 4 and details of the associated policy in at least one local newspaper, indicating the general effect of the adoption of the schedule.
- Three months after the resolution to adopt the Schedule, the Schedule will come into force.
- Review the schedule at least every 5 years and monitor the number of trolleys to see if adequate steps are being taken to reduce number of abandoned trolleys.

4.2 Rhondda Cynon Taf Council does not have the authority to ensure that retailers install tracking measures such as coin-operating trolleys or automatic radius locking wheels, but would encourage retailers to take steps to reduce the number of trolleys that are abandoned.

### **5 REPORTING AND REMOVING ABANDONED TROLLEYS**

5.1 Abandoned trolleys can be reported by the public via the Council's website, one4all centres or our Contact Centre. They will also be discovered by Council Officers whilst undertaking their daily duties on the adopted highway. Once identified the trolley will be removed, following the abandoned shopping trolley process (see appendix B attached).

5.2 The methodology of Streetcare Enforcement will be developed in consultation with other services areas to ensure consistency across the Council.

5.3 The legislation requires the Council to keep abandoned trolleys for a period of 6 weeks after seizing and removing them. After this 6 week period, trolleys can be sold for reuse, recycled or disposed of by the Council through a specialist contractor.

5.4 The Council's Streetcare Enforcement team will serve a formal notice on the respective owners of seized trolleys. The notice will specify that the owner will

be charged £75 for the return or disposal for each respective trolley. The notice will include information regarding the location of where it is being stored and that the Council may dispose of it if it is not claimed within 6 weeks.

- 5.5 The £75 charge will cover the Councils costs incurred by the collection, removal, storage and processing of the abandoned shopping trolley.
- 5.6 The new policy will be resourced and supported by Cleansing Services and the Streetcare Enforcement team. The costs associated with the adoption of this policy will be funded from the charges placed on the trolley owners and resourced by existing resources.
- 5.7 Where the authority has taken reasonable steps to ascertain the identity of the owner of a seized trolley, but it remains unclaimed after a period of 6 weeks, the trolley becomes the property of Rhondda Cynon Taf Council. The Council can sell or dispose of such trolleys as appropriate. Non-payment of charges may be sought through legal processes.
- 5.8 Depending on the condition of the trolley, it can be recycled or reused by means of a specialist contractor.
- 5.9 Any income received from the sale of unclaimed trolleys will be ring fenced for local enforcement quality issues as required by the Environmental Protection Act: schemes such as anti-littering campaigns, funding preventative measures and further abandoned shopping trolley removal from waterways and difficult areas to access.

## **6 RETRIEVING TROLLEYS FROM WATERWAYS AND DIFFICULT LOCATIONS**

- 6.1 Retrieving trolleys from watercourses and difficult to access areas can present significant health and safety risks to those involved. In most circumstances, but in particular where there are steep banks or deep water, trolleys should only be removed by properly trained contractors with the correct safety equipment.
- 6.2 Abandoned shopping trolleys in rivers will remain the responsibility of the Environment Agency.

## **7 RETRIEVING TROLLEYS FROM PRIVATE OR RAILWAY LAND**

- 7.1 Abandoned shopping trolleys on private or railway land will remain the responsibility of the land owner.

## **8 LEGAL IMPLICATIONS**

- 8.1 The procedure for the adoption of Schedule 4 of The Environmental Protection Act 1990 (as amended) is set out at section 99 of the Act.
- 8.2 The contents and procedures specified in this report comply with the legal requirements stated in the legislation.

**9 FINANCIAL IMPLICATIONS**

- 9.1 No significant financial implications are expected to arise from the implementation of this policy. Any additional costs will be funded from additional revenue generated by the policy supplemented by existing budgets if required

*The following appendices are attached:-*

Appendix A – Abandoned Shopping Trolley Policy

Appendix B – Abandoned Shopping Trolley Process



**Appendix A**

**ABANDONED SHOPPING TROLLEY POLICY**

**1. The Aim**

Rhondda Cynon Taf Council has developed a new policy to remedy the problem of abandoned shopping trolleys that are having an increasing impact upon our local environment. Abandoned shopping trolleys can make an area look run down, contribute to littering, antisocial behaviour, cause harm to wildlife and create a flood hazard in waterways.

With this policy, Rhondda Cynon Taf Council aims to ensure retailers take greater ownership of their trolleys and where this fails, take steps to reduce the number of abandoned shopping trolleys which will improve the visual appearance of an area, reduce waste and litter and associated anti social behaviour.

**2. Scope**

The policy applies to all areas and retailers that provide shopping trolleys within the Rhondda Cynon Taf Council boundary.

**3. The Law**

Schedule 4 of The Environmental Protection Act 1990 as amended by the Clean Neighbourhood and Environment Act 2005 allows a Local Authority to:

- Seize and remove abandoned trolleys\*;
- Store abandoned trolleys for a period of six weeks;
- Serve a notice on anyone who appears to be the owner informing them that the trolley will be disposed of if it is not claimed;
- Sell or dispose of abandoned trolleys after the six week period has expired;
- Charge a person who appears to be the owner an amount to cover the removal, storage and disposal of the trolley.

*\*The authority is unable to remove trolleys from private land without the consent of the occupier or without having informed the occupier by Notice that it intends to remove the trolley.*

**4. Procedure to Implement Schedule 4**

Prior to the commencement date, Rhondda Cynon Taf Council must:

- Write to all retailers known to be providing a trolley service in Rhondda Cynon Taf along with any other businesses and land owners that may be affected by the new Abandoned Shopping Trolley Policy.
- Resolve to adopt Schedule 4 of the Environmental Protection Act 1990 on a date now less than three months from the date of the Resolution.
- Publish details of the policy in at least one local newspaper, indicating the general effect of the adoption of the schedule.

- Review the schedule at least every 5 years and monitor the number of trolleys to see if adequate steps are being taken to reduce number of abandoned trolleys.

## 5. Additional Information

- Main Rivers – remain the responsibility of the Environment Agency and are outside the scope of this process.
- Ordinary Water Courses (streams culverts) remain the responsibility of the Council and will be removed by trained contractors with correct safety equipment.
- Rail Land – Network Rail is responsible for rail land and has a 24 hour helpline for local authorities and/or members of the public to report abandoned trolleys. They are also responsible for clearing the line-side areas.
- Rhondda Cynon Taf Council must obtain an occupiers permission to remove an abandoned trolley from their land. Alternatively a notice can be served on the occupier stating the intentions to remove the trolley. If no objections are made, the trolley may be removed after 14 days.
- The local authority is required to keep the trolley for a period of six weeks after seizing and removing it. At the end of that period, it becomes the property of Rhondda Cynon Taf Council, who may sell or otherwise dispose of the trolley.
- Notice will be served on the owner of the trolley if it can be established within 14 days (must be practical). The Notice will state that Rhondda Cynon Taf Council has removed it, details of where it is stored and that the Council may dispose of it if not claimed within 6 weeks.
- If not claimed (owner established) charges for recovery, storage and disposal will be made. Unless the owner can prove that it is not theirs.
- The charges set are required to be sufficient to cover the cost of removing, storing and disposing of trolleys. A standard charge within the terms of legislation based on average costs. Including:
  - Administrative costs arising from notification requirements;
  - Staff Time;
  - Collection and delivery;
  - Physical Storage;
  - Legal support.

The charge that Rhondda Cynon Taf Council applies is £75 per trolley. This charge will be applied to the closest retailer that is identified as owning the trolley.

- Appropriate storage areas have been determined at Ty Amgen, Dinas and Ty Glantaf Depots.
- The appropriate reuse, recycling and disposal contracts are in place to ensure unclaimed trolleys are dealt with appropriately and in the most sustainable manner.
- All activities involved in the removal of shopping trolleys are fully Health and Safety compliant

## 6. Reporting System

Shopping trolleys can be reported to the Streetcare Section via a number of different channels:

**Member of the Public/Councillors** – Can email/report the trolley to Streetcare Services, specifying the location and quantity.

**Streetcare Enforcement Officers** – Can photograph the location and log the incident.

**Other Council Officers** – Can email the location of trolley, together with a map and GIS location where possible.

*NB. Where possible, all reports will need to identify if ownership of the trolley if this can be established. E.g. specific supermarket*

If reported in Water courses –The trolleys must be removed by trained contractors with the correct safety equipment. E.g. Natural Resources Wales 0800 80 70 60

If reported on Rail Land – Report to Network Rail on 08457 114141. Network rail have this helpline that handles requests from local authorities and members of the public to clear railway sidings. Only Network Rail must remove these trolleys due to Health and Safety.

## 7. Removal of Trolleys

### **Inspection of site/land and retrieval of the trolley (PRIVATE LAND)**

Upon inspection of the land the occupier's permission must be obtained for Officers to remove the trolley. As an alternative a notice can be served on the occupier stating their intentions of removing the trolley. If no objections are made within 14 days the trolley may be removed.

### **Inspection of site/land and retrieval of the trolley (COUNCIL LAND)**

Officers will remove the trolley and serve a notice on whoever appears to be the owner of the trolley within 14 days where safe and practical. This period may be longer for difficult, dangerous and inaccessible locations. Details will be logged of the location the trolley has been removed from, the date this occurred, the location the trolley is stored and the destruction dates that are 6 weeks form the original removal date.

Trolleys cannot be removed if the trolley is situated on the following land types:

- Land owned by trolley provider;
- Parking areas for supermarkets or retailers;
- Land designated for trolley parking by Rhondda Cynon Taf Council;
- Land for transport for which trolleys are provided.

## 8. Trolley Collection

Rhondda Cynon Taf Council will notify the owner/s of the trolleys that it has been removed by means of a formal notice. Where several branded stores are involved, the store that is closest to the location where the trolley was located will be issued the notice. The notice will include information regarding the location of where it is being stored and that the Council may dispose of it if it is not claimed within 6 weeks.

Rhondda Cynon Taf Council is required to keep the trolley for a period of 6 weeks after seizing and removing it. After the 6 weeks period it may be sold or disposed of by the authority.

Where trolleys are claimed by retailers and payment received, arrangements will be made for Rhondda Cynon Taf Council to return the trolley to the owner. This may be done in batches rather than by individual trolleys, alternatively the retailers can arrange collection with appropriate officers. A charge can be made for this service.

Where trolleys remain unclaimed after a period of 6 weeks, and reasonable steps have been taken to identify anyone who appears to be the owner, the trolley becomes the property of Rhondda Cynon Taf Council to dispose of as it sees fit.

## **9. Trolley Disposal**

Depending on the condition of the trolley, it can be reused or recycled by means of a disposal contract.

## **10. Trolley income**

The income received from the trolley charges will be ring fenced for local enforcement quality issues such as preventive campaigns on anti littering, fund preventative measures and further abandoned shopping trolley removal from waterways and difficult areas to access.

**Appendix B**



